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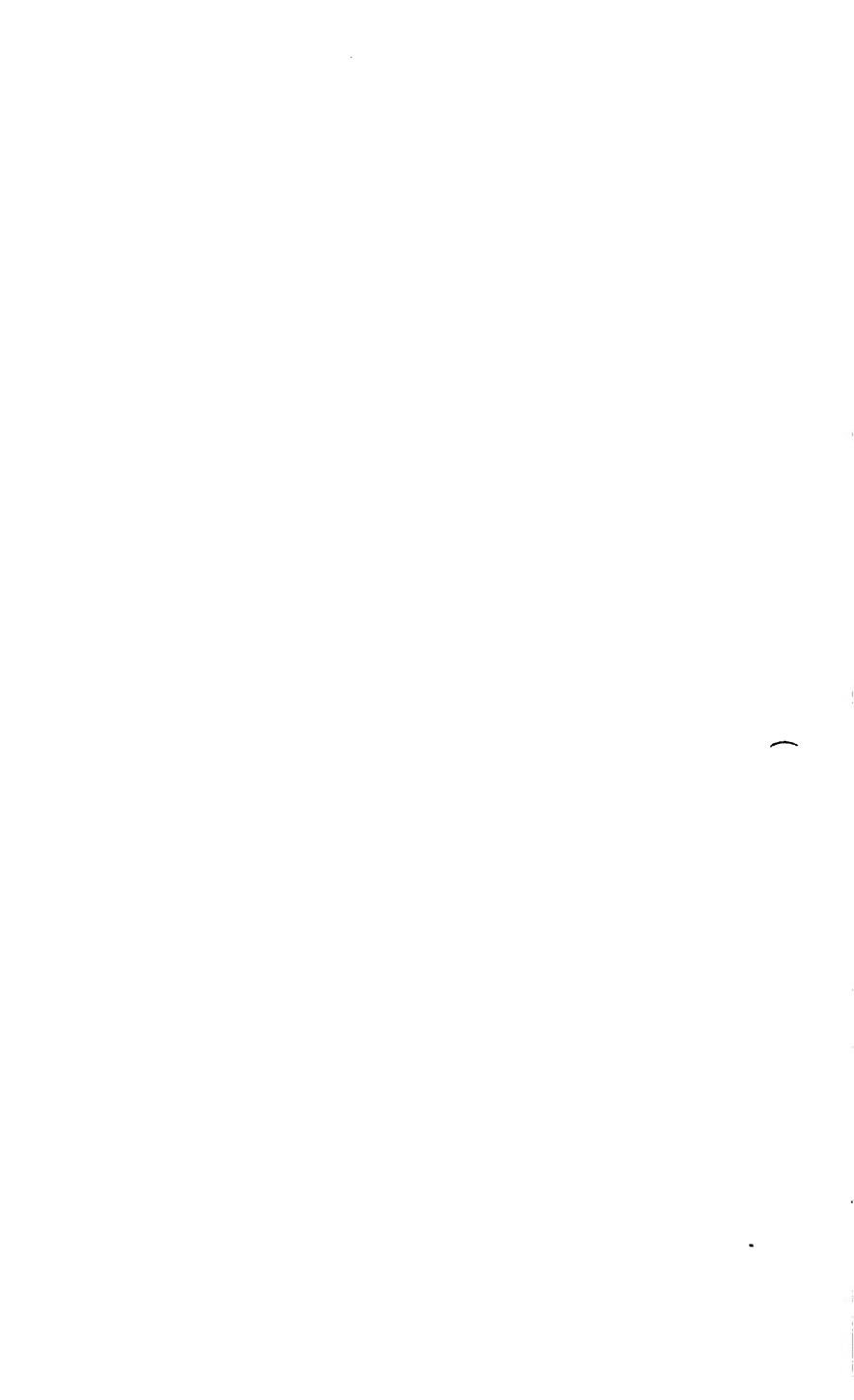


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THE  
HISTORY and PROCEEDINGS  
OF THE  
HOUSE of LORDS:

VOLUME the *EIGHTH*,  
from the RESTORATION, in 1660.

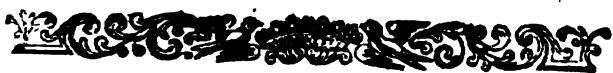


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THE  
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OF THE  
HOUSE of LORDS:  
VOLUME the *EIGHTH*,  
From the RESTORATION, in 1660.





Be Careful to Observe,

**T**HAT the only Genuine Edition of the History and Proceedings of the House of LORDS, from the Restoration to the End of the Second Session of the Third Parliament of his present Majesty King GEORGE II. is subscribed with my Name on the Back of the Title-Page of the Eighth Volume, which I have enter'd in the Hall-Book of the Stationers Company, according to the Act of Parliament in that Case made and provided.

Ship-Yard,

1743.

THE  
HISTORY and PROCEEDINGS  
OF THE  
HOUSE of LORDS,

DURING

The THIRD PARLIAMENT of  
KING GEORGE II. held in the  
Years 1741, and 1742.

Being the EIGHTH VOLUME from the RESTORATION.

CONTAINING

The most Remarkable MOTIONS, SPEECHES,  
DEBATES, ORDERS and RESOLUTIONS.

WITH

All the PROTESTS in every Session.

AND THE

Numbers *Pro* and *Con* upon each Division.

With an ACCOUNT of

The Promotions of the several PEERS, and the Altera-  
tions in the PEERAGE.

Connected with the Transactions of the COMMONS, and  
the HISTORY of the TIMES.

AND

Illustrated with HISTORICAL NOTES and OBSERVATIONS.

*To which are added proper INDEXES.*

Together with the

*Debates in the Parliament of Scotland, relating to the UNION.*

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L O N D O N :

Printed for EBENEZER TIMBERLAND, in Ship-Yard, Temple-  
Bar; and sold by the Bookellers in Town and Country.

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T H E  
BOOKSELLER  
T O T H E  
READER.



THE general good Reception which Mr Chandler's Edition of the History and Proceedings of the House of COMMONS, from the Restoration to the Dissolution of the last Parliament, have met with from the Publick, under the Patronage of his Royal Highness the PRINCE, induc'd me to publish the History and Proceedings of the House of LORDS during the same Period.

Of that Work the following is a Continuation, in which not only all such Particulars, as have already appear'd in Print, are rang'd in their proper Order, but a great Variety of Matters occur hitherto conceal'd from Publick Notice.— Throughout the whole Work the utmost Impartiality is observ'd; and where different

VOL. VIII. a . rent

*rent Accounts have been given of the same Debate, such Speeches only are retain'd, as, upon the strictest Examination, appear'd to be genuine.*

*But as Envy is the constant Attendant of publick Approbation, it is the less surprising to find that certain Booksellers have taken uncommon Pains to persuade the Public, that my Edition of the History and Proceedings of the House of LORDS, is only a Copy of an imperfect Irish Collection of Debates, lately reprinted by one Torbuck.*

*To put this Matter therefore beyond Controversy, I beg Leave to offer the following Particulars: This I do with the greater Confidence, in regard the Facts alledg'd are incontestibly true, and will be fully justified by the Experience of every Gentleman who gives himself the Trouble to make the Comparison.*

*My Edition begins Eight Years before his, with an Historical Account of the several Steps introductory to the Restoration: The State of the Peerage upon King Charles the Second's being restored to the Crown, with the Progressive Alterations therein, by Extinctions, new Creations, or Advancement in Peerage; together with the Speeches, Debates, and all the Protests in every Session: Illustrated with Historical Notes, and connected with a brief History of the Times.*

*Also an Account of Promotions, Resignations, or Removals of the several Peers:*  
*Exact*

*Exact Indexes of the Names of the several Lords Speakers and Lords Protesters during the Course of every Volume, by which may be seen at one View, whether any particular Peer has at any Time enter'd his Protest, as also when, where, and upon what Occasion.*

*Add to this, that when any Lord appears in a new Character, as for Instance, the late Duke of Buckingham, [Sheffield] in the Reign of King Charles II. speaks by the Title of Earl of Mulgrave; in that of King William as Marquess of Normandy, and in that of Queen Anne as Duke of Buckinghamshire; the Reader will find a Foot-Note, specifying the Time of each Advancement. For the same Reason the Family-Name of each Bishop is added by Way of Explication in the Index, with an Account of his respective Translation. Without such Helps as these it is impossible to have a consistent Idea of Persons throughout so long a Period of Years, unless it can be suppos'd that every Man carries in his Head a Chronological Table of Preferments.*

*Torbuck's Edition opens abruptly with a Speech of the Duke of Buckingham's, at a Conference between the two Houses, concerning the Dispute between the East-India Company and one Mr Skinner, Anno 1668, but gives no Account of the Beginning or End of the said Dispute; or of any other Affairs transacted in either House till the*



## iv The BOOKSELLER

*Year 1671, where he lugs in the Speech of the Lord Lucas, on the prodigal Grants of the House of Commons, but without the least Explanation of the said Grants which gave Rise to it.*

*Of the Twelfth Session of the same Parliament he makes not the least Mention; of the King's Speech at the Beginning of the Fifth Session, he gives but one Paragraph; and the Lord Keeper Finch's Speech he barely mentions and no more.*

*The Debates of the Year 1673, publish'd by Mr Andrew Marvell, Member for Kingston upon Hull, he hath not one Syllable of.*

*Of the whole Parliamentary Proceedings of the Reign of King James II. as well Lords as Commons, he is totally silent.*

*Of all the interesting Particulars relating to the Revolution, he gives his Readers only the Debate on the Word Abdicate, and the two Declarations of Rights of England and Scotland.*

*The Journals of both Houses neither he, nor the Irish Editor he servilely copies, ever consulted: And that his whole Collection rather consists of 'Scraps and Fragments, without Order, Connexion, or Perspicuity, and is rather to be called a Chaos than a History, the slightest Examination of any one of his Volumes is sufficient to demonstrate.*

*On the contrary,*

*Both Mr Chandler's History and Proceedings of the COMMONS, and mine of the LORDS,*

## To the READER. v

LORDS, *as before hinted, begin from that most remarkable Period the Restoration; and both are continued regularly down to the End of the First Session of the present Parliament; in each of these Works the Journals of both Houses have been consulted, and many very remarkable Particulars have been inserted which never were in Print before.*

*Many obscure Passages are illustrated with curious, historical and critical Notes, as likewise with many State-Papers, such as Proclamations, Orders of Council, Declarations of War, Treaties of Peace, &c. scarce any of which are to be found in the Irish Collection; and Mr Torbuck has been extremely careful not to render that Edition Waste-Paper, by making any Improvements in his own.*

*Having said thus much with regard to the General Plan of the Work, I shall proceed to observe, that my Collection not only contains every Thing to be met with in Torbuck's Edition, but also a great Number of Speeches, Protests, &c. amounting to above 1600 Particulars entirely omitted in his. Nor has the Irish Compiler been less negligent with regard to the Commons, for it appears by the Asterisks prefix'd to the Contents of the first five Volumes of Mr Chandler's History, that between 1660 and 1714, there are no less than 1200 Particulars omitted: And in*

vi                      *Omissions in the Lords,*  
*the seven last Volumes from 1714 to 1742,*  
*the Omissions are equally proportionable.*

*I hope therefore I shall not be accused of*  
*Vanity in asserting, that my Edition of the*  
*History and Proceedings of the House of*  
*LORDS, and Mr. Chandler's Edition of the*  
*COMMONS, is the only compleat Collection*  
*of DEBATES in both Houses of Parliament*  
*from the Restoration.*

*The following Particulars inserted in*  
*my two first Volumes ONLY, are intirely*  
*omitted in the Irish Collection reprinted by*  
*Torbuck, and may serve as a small Spe-*  
*timen of what may be expected from the*  
*Whole of that boasted Performance.*

- ‘ **M**ONCK’s Letter to the Gentlemen of Devon.
- ‘ His Speech to the Members at *Whitehall*. His
- ‘ Declaration. The King’s Letter to the House of
- ‘ Peers. Votes thereon. King’s Speech to the Lords,
- ‘ relating to the Act of Oblivion. A Summary of the
- ‘ Proceedings relating to the said Act. And of the Act
- ‘ itself. Lord Chancellor’s Speech.
- ‘ Second Session of the Convention-Parliament.
- ‘ Protest on a Bill to vacate certain Fines.
- ‘ The first Session of the Second Parliament of
- ‘ King *Charles II.* Lord Chancellor’s Speech. List
- ‘ of the House of Lords. Precedencies of the Lords in
- ‘ Parliament. A Bill to make void Fines levied by
- ‘ Sir *Edward Powell*, passed. Protest thereon.
- ‘ The Second Session. The Lord Chancellor’s Ac-
- ‘ count of certain Plots. The Uniformity and Militia
- ‘ Bill brought in. Some Account of the said Bills;
- ‘ and of the Hearth-Money and Corporation Bills;
- ‘ as likewise that for reverſing the Earl of *Strafford*’s
- ‘ Attainder. The remarkable Caſe of the diſtreſſed
- ‘ Cavaliers, agreed to. Protest thereon. Bill to
- ‘ reſtore the Earl of *Derby* to certain Eſtates, paſſed.
- ‘ Protest thereon. Bill for diſuniting certain Hundreds
- ‘ from

‘ from the County of the City of *Gloucester*; and Protest thereon. A Proviso to reserve the King's Right touching the disposing of 6000 *l.* among indigent Officers, rejected; and Protest thereon. Report of a free Conference on a Bill for mending the Highways. Protest thereon.

‘ Third Session of the Second Parliament. Articles preferred against the Earl of *Clarendon* by the Earl of *Bristol*. Orders thereon. Opinion of the Judges. Lord Chief Justice *Foster's* Account of the Debates, &c. which followed. Votes upon the Question. A Note upon the Case by the said Lord Chief Justice. Bill for the Encouragement of Trade, passed. A Clause in a Bill for Relief of such as were disabled from subscribing to the Declaration in the Act of Conformity, agreed to. Protest thereon.

‘ Fourth Session of the Second Parliament. The Earl of *Bristol's* Speech in the House of Commons. Protest occasioned by the Case of *Roberts*, &c.

‘ Fifth Session of the Second Parliament. Account of the Act for taxing the Clergy in Parliament.

‘ Sixth Session of the Second Parliament. Account of the famous Five-Mile-Act.

‘ Seventh Session of the Second Parliament. Notice taken of certain Quarrels, while the House was sitting. Bill for importing *Irish* Cattle; and Protest thereon. Bill to determine Differences touching Houses destroyed by the Fire of *London*. Protest thereon. Manner of proceeding on the Lord Viscount *Mordaunt's* Impeachment; and Protest thereon. A free Conference with the Commons refused; and Protest thereon. Bill for rebuilding *London*; and Protest thereon. Another Protest relating to the Impeachment of the Lord Viscount *Mordaunt*. Proceedings relating to the taking of the publick Accounts.

‘ An intermediate Session. The Treaty of *Breda*, Account of the Disgrace of Lord *Clarendon*.

‘ Eighth Session of the Second Parliament. Lord *Clarendon* impeach'd. A Message to the Commons. A Conference. Lords refuse to commit the Earl. The said Earl's Petition. A Bill to banish the said Earl. The Lord's Concurrence desired to a Vote of the Commons for apprehending him by Proclamation.

‘ Reason

- ‘ Reasons for not agreeing to it. Protest on the Case of the said Earl. Another. A Third. A Fourth.
- ‘ Ninth Session of the Second Parliament. Cause of *Grenville* and *Elwes* voted properly before the House. *Pitt* and others, Petitioners against *Pelham* and others, voted Relief; and Protest thereon. Petition of one *Cusack*, and Protest thereon. Declaration of War with *Holland*.
- ‘ King’s Speech to the Lords. An Address of Thanks, and his Majesty’s Answer. Lord *Bristol*’s Speech on the Test Act. An Account of the said Act. Two Speeches of Lord Chancellor *Shaftesbury*.
- ‘ The Manner of taking the Seals from him.
- ‘ Articles of Peace with the *Dutch*. Proclamation against such as report the King intended to dissolve the Parliament. Lord *Arlington*’s Voyage to *Holland*, and its Effects.
- ‘ Protest on the Vote of Thanks for his Majesty’s Speech. Protest on the Message from the Commons relating to the Case of *Shirley* and *Fagg*. Protest on the Case of *Barret* and Lord *Loftus*. Conference deferred in the Case of Mr. *Onslow*. Protest thereon.
- ‘ Conference between the King and Sir *William Temple*, on reconciling the Lords *Danby* and *Arlington*.
- ‘ Remarkables in the Interval between the Sessions.
- ‘ Representation of the Lords of Trade. Dr. *Cary* imprisoned and fin’d. Address against one *Aaron Smith*,
- ‘ Three Bills sent to the Commons. Protest on that for securing the Protestant Religion. Conference between the King, Duke, and Sir *W. Temple*. Another between the King, and the Prince of *Orange*.
- ‘ Order against Mr. *Marvel*’s Growth of Popery, &c.
- ‘ Two Adjournments and a Prorogation. Remarkables between the Sessions.
- ‘ Claim to the Title of Viscount *Purbeck*; and Protest thereon. Another Protest thereon. Petition to the King touching the Claim to the Title of Viscount *Purbeck*, agreed to. Protest thereon.
- ‘ Account of the Popish Plot. Lords Address thereon. *Coleman*’s Examination. *Titus Oates* vindicates the Duke of *York*. A Conference between the two Houses relating to the issuing certain Commissions.
- ‘ Noble Behaviour of the *Spanish* Ambassador. Debate on
- ‘ the

the Test against Popery. Quarrel between the Lords  
*Pembroke* and *Dorset*. Misunderstanding between the  
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 fuses to pass the Militia Bill. A remarkable Hint gi-  
 ven to the House by the Duke of *Norfolk*. A Me-  
 morial to his Grace's Honour entered in the Jour-  
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*Wharton's* taking the Oaths complained of. Order  
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 Majesty's Declaration in Council thereon. A List of  
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*Danby's* Case. Bill for freeing the City of *London* of  
 Papists, passed. Protest thereon. Earl of *Danby's*  
 Plea. Conference with the Commons on appointing  
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Proceedings and Dissolution of the new Council.  
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 thereon. Debate on the State of the Nation. *Pier-*  
*cy's* Petition for the Earldom of *Northumberland*.  
 Protest thereon. Vote concerning the Plot. Al-  
 terations at Court.

*Fitzbarris* impeached. Some Account of the said  
*Fitzbarris*. Parliament dissolved. Death of King  
*Charles II.* King *James's* first Speech in Council.  
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 nues by Proclamation.

*Tenth Parliament held in the Reign of King James  
 the Second,*

Twenty Lords introduc'd in one Day. Proceed-  
 ings in the Case of the Popish Lords; Protest there-  
 on. Case of Mrs. *Harvey*; Protest thereon. Bill  
 to reverse Lord *Stafford's* Attainder; Protest thereon.  
 Lords vote to stand by the King, and his Majesty's  
 An-



- ' Answer. Tragical Fate of the Earl of *Argyle*.
- ' Duke of *Monmouth's* Landing and Declaration.
- ' The Second and Last Session of the only Parlia-
- ' ment held in the Reign of King *James II.* Debate
- ' on the Address of Thanks. King's Answer. Petition
- ' of the Lord *Delamere*. Address thereon; and King's
- ' Answer. Lord Chancellor *Jeffreys's* Account of the
- ' Proceedings against the said Lord. Earl of *Stamford's*
- ' Petition. Orders thereon. He pleads the general
- ' Pardon. Proclamation relating to an universal Li-
- ' berty of Conscience, &c. Prince of *Orange's* first De-
- ' claration. An additional Declaration. A spurious
- ' Declaration. King's Declaration. Petition of several
- ' Lords to his Majesty. His Majesty's Answer. Lord
- ' *Devonshire's* Paper. *Nottingham* Paper. Proclamation
- ' for a general Pardon. King's Proposal to the Prince,
- ' and his Highness's Answer. King disbands his Army.
- ' Meeting of the Peers at *Guild-Hall*. Their Decla-
- ' ration. Address of the City of *London* to the Prince.
- ' The Lords meet his Highness at *St. James's*. His
- ' Highness's Speech. The Lords Vote of Thanks.
- ' The King's Papers left behind him on his escaping to
- ' *France*. The Peers assemble at *Westminster*.
- ' A Form of Prayer ordered. King *James's* Letter
- ' to the Lords of the Council. Another Letter to the
- ' Lords and Commons; rejected by the last, and drop'd
- ' by the first. Debate occasioned by the Commons
- ' Vote of Vacancy. Farther Debate on the Commons
- ' Vote. Debate on the Words *Abdicated* and *Deserted*.
- ' Forty Lords Protest against the Vote, of the Throne's
- ' being vacant. Tumultuous Petition set on Foot,
- ' and discouraged by the Prince. Lord Mayor of
- ' *London's* Order thereon. Order of the Lords with
- ' respect to the King's Birth-Day. A List of the Privy
- ' Council. Promotions. Earl of *Sunderland's* Letter in
- ' Justification of his own Conduct. Earl of *Notting-*
- ' *ham* moves for a Bill of Comprehension, and receives
- ' the Thanks of the House. Inquiry into the Death of the
- ' Earl of *Essex*. A Message from the King, relating to his
- ' securing certain suspected Persons. Address thereon
- ' King *James's* Expedition to *Ireland* communicated
- ' by Message. Several Lords decline taking the Oaths
- ' King's Speech in Favour of Dissenters. Bill brought

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The Second Session of the Convention-Parliament. Lord *Griffin* declines taking the Oaths ; and is taken into Custody. Debate concerning him. Petition of Lord Viscount *Preston* ; who is sent to the Tower. Bill of Indemnity. Mr. *Hampden*, junior, appears before a Committee of Lords. A Clause added to the Bill of Rights. Debate on the dispensing Power. Bill to disabie Minors from marrying without Consent of Parents or Guardians, passed ; Protest thereon. Dis-

solution

- ‘ solution of the Convention Parliament and Preferments.

‘ *The Second Parliament of King William.*

- ‘ Report of allowing the City of *London* farther
- ‘ Time: Not agreed to; and Protest thereon.
- ‘ Lords Address to the King. And to the Queen.
- ‘ Admiralty Commissioners Bill passed; and Protest thereon. Report concerning Impeachments. Lords
- ‘ *Salisbury* and *Peterborough* discharged from their Bail.
- ‘ *York Buildings* Water-Works Bill passed; and Protest thereon. The Grand Congress. His Majesty’s Speech at the opening thereof. Resolutions taken thereon.
- ‘ Bill to dissolve the Duke of *Norfolk*’s Marriage.
- ‘ Question concerning Proxies carried in the Negative; and Protest thereon. Proceeding on the Poll-Bill.
- ‘ Protest thereon. Question whether any Entry shall be made in the Book, relating to the last Clause in the Bill, passed in the Affirmative: Promotions.
- ‘ Affairs Abroad.
- ‘ Question for a Conference, pass’d in the Negative; and Protest thereon. Trial of Lord *Mohun*; and Protest thereon. Bill for reviving certain Laws; and Protest thereon. Promotions.
- ‘ Leave given to the Dutchess of *Grafton* to withdraw her Petition; and Protest thereon. Bishop *Stillingfleet*’s Speech in the great Cause of the Earl of *Bath*. Tonnage Bill passed; and Protest thereon.
- ‘ Promotions. Affairs Abroad.
- ‘ Death of Queen *Mary*. Address of Condolence thereon, and King’s Answer. Affair of the Convex Lights, and the Concern of the Marquis of *Normandy* therein, together with the Speech of the said Marquis.
- ‘ Question passed in the Negative; and Protest thereon.
- ‘ Joint Committee of both Houses to inquire into Abuses and Corruptions. Message to the Commons relating thereto. Sir *Thomas Cook* heard by the Lords.
- ‘ Duke of *Leeds*’s Motion that he should purge the Peers upon Oath, over-ruled. A qualifying Message from Sir *Thomas Cook*; which gives Offence. Bill to indemnify him. The Deposition of Mr. *Bates*, with respect to the Duke of *Leeds*. And of Sir *Basil Firebrace*. Duke of *Leeds* impeach’d. His Speech on
- ‘ the

' the reading the Lords Committee's Report. The Articles of Impeachment against him read ; and his Grace's Speech thereon. His Answer thereto. Message to put the Commons in Mind of the Impeachment of the Duke of *Leeds*. His Grace complains of their Delay. And desires his Impeachment may be discharged. Message from the Commons. The Duke of *Leeds* arraigns the Conduct of the Commons. Abstract of the Act for imprisoning Sir *Thomas Cook*, &c. Proclamation for securing Mr *Robart*. Promotions. And Affairs Abroad.

' An Account of the Assassination Plot. The Attainder of Sir *John Fenwick* ; and Protest thereon. Sir *John Fenwick's* Papers left with the Sheriffs. Bill to restrain Stock-Jobbers ; and Protest thereon. Promotions. Congress of *Ryfwick*.

' Earl of *Macclesfield's* Case ; and Plea. Protest thereon. Earl of *Warwick* and Lord *Mobun* tried and acquitted. Bill to dissolve the Duke of *Norfolk's* Marriage ; and Protest thereon. The said Duke's Case. Duke of *Gloucester's* Death, and other Incidents during the Recess.

' An intercepted Letter of the Earl of *Melfort's*, communicated by the King. Capt. *Norris's* Suspension taken off ; and the Protest thereon. King *James* dies, and his Son is proclaimed by the *French* King.

' Great Alterations at Court. Exploits Abroad. Affairs Abroad.

' Lords Address. Queen's Answer. Proceedings on the Occasional Conformity-Bill. Bishop of *Salisbury's* Speech. Lord *Haversham's* Speech. The Bill rejected. Abstract of the Occasional Conformity-Bill. A List of Peers who voted for and against the Bill. Scots Plot. Controversy with the Commons thereon. Address to the Queen on the Deficiency of Seamen ; and her Majesty's Answer. Votes against Admiral *Graydon*. Votes on the Report of the Secret Committee. The Lords Committees thank'd. Alterations at Court. Exploits of the Year 1704.

' Address to secure the Northern Borders against the Scots. Bill to enable the Earl of *Bath* to make Leases ; Protest thereon. Bill for recruiting the Land Forces ; and Protest thereon. Promotions. Affairs Abroad. Divi-

‘ Division on the Question for inviting over the Princess *Sephia*; and Protest thereon. Bill for the better Security of her Majesty brought in. Another for Naturalizing the *Hanover* Line. Another for appointing a Regency on the Queen’s Decease. A Fourth for an Union with *Scotland*. A Fifth Bill for the better Security of her Majesty’s Person. A Rider rejected; and Protest thereon. The Bill passed; and Protest thereon. Exploits Abroad.

‘ Lords Address. Queen’s Answer. Honours bestowed.

‘ Debates on the Address of Thanks. The Sentiments of the Earl of *Wharton* and Lord *Somers*. Lord *Haversham*’s Speech. Bill for rendering the Union more complete; passed; and Protest thereon. A Committee of Lords examine *Gregg*. Resolution of the House thereon presented to the Queen; and her Majesty’s Answer. The Pretender arrives at *Dunkirk*. Lords Address on that Occasion; and Queen’s Answer. Manner of electing the Sixteen *Scots* Peers, &c. List of the Privy Council for the United Kingdom. Exploits Abroad.

‘ Lords Address. No Peace again voted without the whole Monarchy of *Spain* be restored to the House of *Austria*. Address of both Houses on reducing *Ghent*. The Motion of the Demolition of *Dunkirk* presented to the Queen; and her Majesty’s Answer. Bill for a general Naturalization; and Protest thereon. Rider to the Bill for improving the Union refused; and Protest thereon. Protest on the passing that Bill. Abstract of the said Bill. Affairs Abroad.

‘ Lords Address. Articles exhibited against Dr. *Sacheverell*. Resolution that the Words *supposed to be criminal* are not necessary to be expressed in Impeachments; and Protest thereon. Proceedings on the Articles. Votes on the first Article; and Protest thereon. Vote that the Commons have made good their Charge; and Protest thereon. Question to be put in *Westminster-Hall*; and Protest thereon. Changes at Court. Affairs Abroad.

‘ Motion about returning Thanks to the Duke of *Mariborough*. The Misfortune at *Brihuega* communicated by Message; and Address thereon. A Let-

ter from the Duke of *Marlborough* to the Earl of *Peterborough*. Question put to the Lord *Galway*, Why he gave the Right to the *Portuguese* in *Spain*? Which is voted Dishonourable to the *British* Nation. The Lords enquire into the Number of effective Men in *Spain* at the Time of the Battle of *Almanza*. Question with relation to two Regiments in the *Spanish* Service; and Protest thereon. Question with relation to the Deficiencies in the said Service; and Protest thereon. Representation to the Queen, relating to the Affairs of *Spain*. Mr. *Harley* made Earl of *Oxford*, and Lord Treasurer. Lord Keeper's Speech to him. Operations of the Campaign. Congress appointed at *Utrecht*.

The Queen stays in the House *incog*. Debate about a Clause in the Address offered by the Earl of *Nottingham*. The Clause inserted in the Address. The said Address. Protest on the Address. Debate about the Duke of *Hamilton's* Case, as to his being created Duke of *Brandon*. Bill of occasional Conformity, brought in by the Earl of *Nottingham*. Petition of the *Dutch* and *French* Churches received. Abstract of the said Bill. Debate about the Duke of *Hamilton's* Patent. Protest thereon. Address relating to the Treaty; and the Queen's Answer. Twelve Peers created. Promotions. The Queen's Answer to the Lords Address about the Negotiation of Peace. Message from the Queen, desiring the Lords to adjourn; with which the Lords comply. The Queen's Answer to the Representation of the *Scotch* Lords. The Queen's Message to both Houses for a farther Adjournment. A second Message. The Lords Address; and her Majesty's Answer. Duke of *Devonshire's* Motion for settling the Precedency of the House of *Hanover*. The Affair about the Duke of *Hamilton's* Patent drop'd. The Place-Bill rejected by the Lords. The Grant-Bill read the first Time; and Debate thereon. The Sentiments of the Duke of *Argyle*, Earl of *Wharton*, and the Lords *Cowper* and *Hallifax*. The Bill dropt. Mr. Secretary *St. John* made Viscount *Bolingbroke*. Affairs Abroad. The Malt-Bill committed by the Lords. Protest thereon. Remarkables between the Sessions.



To point out the several Omissions in the subsequent Volumes, would only tire the Reader : But if Mr *Torbuck* and his Colleagues think this not sufficient, the Particulars omitted between 1714 and 1742, shall be specified at Large for their Satisfaction.

EBENEZER TIMBERLAND.



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T H E

H I S T O R Y .

A N D

P R O C E E D I N G S

O F T H E

House of L O R D S,

W I T H T H E

DEBATES and PROTESTS therein,

D U R I N G

The FIRST SESSION of the THIRD PAR-

LIAMENT of King GEORGE II.



UPON the Dissolution of the last Parliament An. 15. Geo. II.

*Henry Brookes, Esq;* was created a Baron of Great Britain, by the Style and Title of Baron Mountfort of Horseshoe, in the County of Cambridge; also *Stephen Fox, Esq;* created Baron of Hellewell, in the

County of Somerset; and *John Howe, Esq;* created Baron of Gledworth, in the County of Wilts: And, during the Recess, the Lord Viscount Tadmor, (Earl of Tadmor in Ireland) died without Issue; the Title extinct.

1741.

Alterations in the Peerage since the Dissolution of the last Parliament.

An. 15. Geo. II.  
1741.

On the 13th of June came on the Election of the Sixteen Peers for Scotland; the State of the SCOTTS PEERAGE is as follows :

State of the Scots  
Peerage.

**DUKES** 10. Hamilton (a), Buccleugh, Lenox (b), Gordon†, Queensberry (c), Argyle (d), Douglas, Athole † (e), Montrose, Roxburgh.

**MARQUESSSES** 3. Annandale, Tweeddale, Lothian†.

**EARLS** 52. Crawford\*, Sutherland\*, Rothes, Morton†, Buchan\*, Glencairn†, Eglington, Cassils†, Caithness, Murray†, Home†, Wigtoun†, Strathmore, Abercorne, Kelly†, Haddingtoun, Galloway, Lauderdale†, Kinnoul (f), Loudon†, Dumfries, Sterling, Elgin (g), Traquair, Weems, Dalhousie, Findlater†, Leven†, Dyfett, Selkirk, Northesk\*, Kincardine, Balcarras†, Aboyne, Kilmarnock†, Dundonald, Kintore\*, Broadalbin†, Aberdeen, Dunmore†, March, Marchmont, Hyndford\*, Cromarty†, Stair, Roseberry†, Glasgow, Portmore, Bute, Hoptoun\*, Delorain, Ilay†.

**VISCOUNTS** 8. Falkland, Stormont, Arbuthnot, Oxenford, Irwin, Dunblaine (h), Strathallan, Garrock,

**BARONS** 32. Forbes†, Salton\*, Gray†, Cathcart, Mordington, Semple†, Elphinston, Oliphant\*, Lovat, Borthwick†, Ross†, Somerville†, Torpichen\*, Lindores†, Balmerino, Blantyre, Cranston, Napier, Rae†, Kirkcudbright†, Forrester, Banff, Colville, Elibank, Halkerton, Sinclair, Belhaven†, Rollo†, Rutherford†, Balenden, Kinnaird, Newark†.

Those distinguished by a † were present at the Election, those with a \* sent their Proxies.

The following Sixteen were elected without Opposition ;  
Names of the 16  
elected for the  
Ninth Parlia-  
ment of Great  
Britain.

Account of that  
Election.

*William Ker*, Marquis of Lothian ; *John Lindsay*, Earl of Crawford ; *John Sutherland*, Earl of Sutherland ; *James Douglas*, Earl of Morton ; † *James Stuart*, Earl of Murray ; † *William Home*, Earl of Home ; † *Charles Maitland*, Earl of Lauderdale ; *John Campbell*, Earl of Loudon ; *James Ogilvie*, Earl of Findlater ; *George Campbell*, Earl of Broadalbin ; *George Murray*, Earl of Dunmore ; *John Carmichael*, Earl of Hyndford ; *Charles Collier*, Earl of Portmore ; *Charles Hope*, Earl of Hoptoun ; *Archibald Campbell*, Earl of Ilay ; † *James Somerville*, Lord Somerville : Of which those distinguish'd by † are in the Room of the Duke of Buccleugh, and the Earl of Bute ; the Duke of Athole, who, upon the Demise of the late Earl of Derby, succeeded to

(a) Duke of Brandon. (b) Duke of Richmond. (c) Duke of Dover. (d) Duke of Greenwich. (e) Lord Strange. (f) Baron Hay of Pedwarden in the County of Somerset. (g) Earl of Aylesbury. (h) Duke of Leeds.

to the Title of Lord *Strange* in England; and the Lord *An. 15. Geo. II*  
*Cathart*, deceased. 1741

Copies of the above List were sent signed by the Duke of  
*Lennox*, the Earls of *Selkirk*, *Portmore*, *Abercorne*, and *Galloway*,  
 and the Lord *Kinnaird* — Lord *Balmerino* sent his  
 Letter for the Earl of *Morton* only, because that Earl had  
 notified by circular Letters, that he was to stand Candidate,  
 and desired the Votes of the Peers.

The Dukes of *Hamilton*, *Buccleugh*, *Queensberry*, *Argyle*,  
 and *Montrose*, the Marquisses of *Tweeddale* and *Annanvale*;  
 the Earls of *Aberdeen*, *Marchmont*, and *Stair*, tho' at *Edinburgh*,  
 did not think fit to be present at the Election.

THE STATE of the PEERAGE at the Opening  
 the First Session of the Ninth Parliament of Great  
 Britain, Dec. 1, 1741.

Those marked † don't sit in the House, k. g. Knight of the  
*Garter*, k. t. Knight of the *Thistle*, k. b. Knight of the  
*Bath*, p. c. Privy Councillor, u. a. Then Under Age.

DUKES, 27.

HIS Royal Highness Frederick  
 Prince of Wales, p. c. k. g.  
 His Royal Highness William Duke  
 of Cumberland, k. g.

Edward Howard Duke of Norfolk †  
 Charles Seymour Duke of Somerset,  
 p. c. k. g.

William Fitzroy Duke of Cleveland  
 and

Charles Lennox Duke of Richmond,  
 p. c. k. g.

Charles Fitzroy Duke of Grafton,  
 p. c. k. g.

Henry Somerset Duke of Beaufort.

Charles Beauclerk Duke of St Albans,  
 k. g.

The following created Dukes since  
 the Revolution.

Charles Powlett Duke of Bolton,  
 p. c. k. g.

Thomas Osborne Duke of Leeds.

John Russell Duke of Bedford.

William Cavendish Duke of Devonshire,  
 p. c. k. g.

Charles Spencer Duke of Marlborough,  
 p. c. k. g.

John Manners Duke of Rutland,  
 p. c. k. g.

John Montagu Duke of Montagu,  
 p. c. k. g.

Charles Douglas Duke of Dover,  
 p. c. †

James Hamilton Duke of Brandon †

Peregrine Bertie Duke of Ancaster,  
 p. c.

Evelyn Pierpoint Duke of Kingston,  
 k. g.

Thomas Holles Peckham Duke of  
 Newcastle, p. c. k. g.

William Bentinck Duke of Portland,  
 k. g.

John Campbell Duke of Greenwich,  
 p. c. k. g.

Robert Montagu Duke of Manchester.

James Brydges Duke of Chandos,  
 p. c. k. g.

Lionel Cranfield Sackville Duke of  
 Dorset, p. c. k. g.

Scroop Egerton Duke of Bridgewater.

MARQUISSES.

William Herbert Marq. of Powis †

EARLS, 71.

George Taubot E. of Shrewsbury †

Edward Stanley Earl of Derby.

Theophilus Hastings Earl of Huntingdon

Henry Herbert Earl of Pembroke,  
 p. c.

Henry Clinton Earl of Lincoln.

Henry Howard Earl of Suffolk.

James Cecil Earl of Salisbury.

The State of the  
 English Peerage,  
 at the Opening of  
 the Session.



An. 15. Geo. II. Brownlow Cecil Earl of Exeter.

1741.

John Sidney Earl of Leicester, p. c.  
James Compton E. of Northampton.  
Edward Rich Earl of Warwick and  
Holland

William Fielding Earl of Denbigh.

John Fane Earl of Westmoreland.

Henry Bowes Howard Earl of Berkshire.

Charles Mordaunt Earl of Peterborough.

Harry Gray Earl of Stamford.

Daniel Finch Earl of Winchelsea and Nottingham, p. c.

Philip Dormer Stanhope Earl of Chesterfield, p. c. k. g.

Sackville Tufton Earl of Thanet.

John Montagu Earl of Sandwich.

Henry Hyde Earl of Clarendon and Rochester.

William Capel Earl of Essex, p. c. k. g.

George Brudenel Earl of Cardigan.

Richard Annesley Earl of Anglesey.

Henry Howard Earl of Castle.

Thomas Bruce Earl of Aylesbury †

Richard Boyle Earl of Burlington, p. c. k. g.

Anthony Athley Cooper Earl of Shaftsbury.

George Henry Lee Earl of Litchfield.

John Roberts Earl of Radnor.

Augustus Berkeley Earl of Berkeley, k. t.

Montagu Verables Bertie Earl of Abingdon, p. c.

Baptist Noel Earl of Gainsborough.

Robert D'Arcy Earl of Holderness.

Other Lewis Windor Hickman Earl of Plymouth, u. a.

William Stafford Howard Earl of Stafford †

*The following Eleven created since the Revolution.*

Thomas Lumley Saunderson Earl of Scarborough, k. b.

George Booth Earl of Warrington.

Richard Newport Earl of Bradford.

Frederick Zulestein E. of Rochford.

William Anne-Van Kevel Earl of Albemarle, k. b.

William Coventry Earl of Coventry, p. c.

William Villiers Earl of Jersey.

Henry D'Auverquerque Earl of Grant, p. c.

John Poulet Earl Poulet, k. g.

Francis Godolphin Earl of Godolphin, p. c.

George Cholmondeley Earl of Cholmondeley, p. c.

*The following created since the Union.*

Edward Harley Earl of Oxford.

William Wentworth Earl of Stratford.

Henry Shirley Earl Ferrers.

William Legge E. of Dartmouth.

Lewis Watson Earl of Rockingham.

Charles Bennet Earl of Tankerville, k. t.

Heneage Finch Earl of Aylesford.

John Hervey Earl of Bristol.

George Montagu Earl of Halifax.

George Yelverton Earl of Suffex, u. a.

William Cowper Earl Cowper.

Philip Stanhope Earl Stanhope.

Philip Sherrard E. of Harborough.

George Parker E. of Macclesfield.

Thomas Fermor Earl of Pontefract, k. b.

William Graham Earl Graham of Belfast.

Robert Ker Earl Ker of Wakefield.

James Waldgrave Earl Waldgrave.

Benjamin Mildmay Earl Fitzwalter, p. c.

John Ashburnham Earl of Ashburnham, u. a.

Spencer Compton Earl of Wilmington, p. c. k. g.

Francis Howard Earl of Effingham.

Thomas Wentworth Earl of Maiton.

#### VISCOUNTS 14.

Price Devereux Visc. Hereford.

Anthony Brown Visc. Montagu †

Laurence Fienes Visc. Say and Sele.

Thomas Bellafaye Visc. Fauconberg.

Charles Townshend Visc. Townshend.

Thomas Thynne Visc. Weymouth.

William Hatton Viscount Hatton.

*The following Seven created since the Revolution.*

Henry Lowther Viscount Lonsdale

Henry St. John Viscount St. John.

Richard Temple Viscount Cobham.

Hugh Poscawen Visc. Falmouth.

John Wallop Visc. Lynton.

Simon Harcourt Visc. Harcourt.

Patce Byng Viscount Torrington, p. c.

#### B A R O N S, 66.

William Nevill Lord Abergavenny  
James

- James Touchet Lord Audley ( Earl  
of Castlehaven † )  
Algernon Seymour Lord Piercy  
( Earl of Hertford )  
John West Lord de la War, p. c.  
k. b.  
Hugh Fortescue Lord Clinton, k. b.  
Ferdinando Dudley Lea L. Dudley.  
Thomas Stourton Lord Stourton. †  
Richard Verney Lord Willoughby  
de Broke.  
Hugh Willoughby Lord Willough-  
by of Parham  
Francis North Lord North and  
Gulford  
William Ferdinand Carey Lord  
Hunsdon  
John St John Lord St John of  
Fleetwood.  
Robert Petre Lord Petre †  
Philip Gerard Lord Gerard of  
Bromley †  
Thomas Arundel Lord Arundel of  
Wardour †  
Edward Bligh Lord Clifton ( Earl  
of Darley )  
Charles Dormer Lord Dormer †  
Henry Roper Lord Teynham, u. a.  
Francis Greville Lord Brook  
John Poulet Lord Hinton  
Henry Maynard Lord Maynard  
James Murray Lord Strange ( Duke  
of Athol ) k. t.  
Charles Bruce Lord Bruce  
Thomas Leigh Lord Leigh  
William Byron Lord Byron  
John Ward Lord Ward  
Marmaduke Langdale Lord Lang-  
dale †  
William Berkeley Lord Berkeley of  
Stratton, p. c.  
Charles Cornwallis Lord Cornwal-  
lis, p. c.  
John Arundel Lord Arundel of  
Trevise.  
Fulwar Craven Lord Craven  
High Clifford Lord Clifford †  
John Carteret Lord Carteret, p. c.  
William Stawell Lord Stawell  
Edward Griffin Lord Griffin
- The following created since the  
Revolution.*  
Charles Butler Lord Butler of We-  
stbury ( Earl of Arran )  
Maurice Thompson L. Havensham.  
Gilbert Vane Lord Barnard
- John Leveson Gower Lord Gower  
Francis Seymour Conway Lord  
Conway  
John Hervey Lord Hervey, p. c.  
John Boyle Lord Boyle ( Earl of  
Orrery )  
George Hay Lord Hay ( Earl of Kin-  
nowl )  
Herbert Windfor Lord Montjoy  
Thomas Mansel Lord Mansel  
Francis Willoughby L. Middleton  
Thomas Trevor Lord Trevor  
Samuel Masham Lord Masham  
Thomas Foley Lord Foley  
Allen Bathurst Lord Bathurst  
Richard Onslow Lord Onslow  
Robert Marham Lord Romney  
Charles Cadogan Lord Cadogan  
Mathew Ducie Morton L. Ducie  
Robert Walpole Lord Walpole,  
k. b.  
Peter King Lord King  
John Hobart Lord Hobart, k. b.  
John Monson Lord Monson, k. b.  
Thomas Coke Lord Lovel, k. b.  
William Stanhope Lord Harring-  
ton, p. c.  
Robert Raymond L. Raymond  
Philip York L. Hardwicke, p. c.  
William Talbot Lord Talbot  
Henry Bromley Lord Montford  
Stephen Fox Lord Ilchester  
John How Lord Chedworth
- The following are Peeresses in their  
own Right, either by Descent or  
Creation.*  
Erengard Schulemberg Dutchess of  
Kendal  
Jemima Campbel Marchioness de  
Grey  
Grace Carteret Viscountess Car-  
teret and Countess of Granville,  
Mother of the Lord Carteret  
Melosina Stanhope Countess of  
Walsingham, Niece to the Du-  
chess of Kendal, and Wife of the  
Earl of Chesterfield  
Margaret Coningsby Countess of  
Coningsby, Wife of Sir Michael  
Newton, k. b.  
Amelia Sophia Walmoden Countess  
of Yarmouth  
Catherine Lady Berners  
Martha Lady Johnson, Baroness of  
Weatworth.

An. 15. Geo. II.  
1741.

| <i>Names, An. 1741.</i>                              | <i>Sees</i>            | <i>Date</i> | <i>In the Room of</i> |
|--|------------------------|-------------|-----------------------|
| Dr. John Potter<br><i>Lord Archbishop of</i>         | Oxford                 | 1715        | Talbot translated     |
| Dr. Lancelot Blackbourn<br><i>Lord Archbishop of</i> | Canterbury             | 1737        | Wak deceased          |
| Dr Edmund Gibson                                     | Exeter                 | 1717        | Blackhill dec.        |
|  | York                   | 1724        | Dawes dec.            |
|  | Lincoln                | 1716        | Wake tr.              |
|  | London                 | 1723        | Robinson dec.         |
| Dr Edward Chandler                                   | Lichfield and Coventry | 1717        | Hough tr.             |
|  | Durham                 | 1730        | Talbot dec.           |
| Dr Benjamin Hoadley                                  | Bangor                 | 1716        | Evans tr.             |
|  | Hereford               | 1721        | Rip'e dec.            |
|  | Salisbury              | 1723        | Willis tr.            |
|  | Winchester             | 1734        | Will's dec.           |
|  | Oxford                 | 1690        | Parker exil'd         |
| Dr John Hough  | Lichfield and Coventry | 1699        | Lloyd tr.             |
|  | Worcester              | 1717        | Lloyd dec.            |
| Dr John Wynn   | St Asaph               | 1715        | Fleetwood tr.         |
|  | Bath and Wells         | 1727        | Hooper dec.           |
| Dr Thomas Secker                                     | Bristol                | 1734        | Cecil tr.             |
|  | Oxford                 | 1737        | Potter tr.            |
| Dr Robert Butts                                      | Norwich                | 1732        | Baker dec.            |
|  | Fly                    | 1738        | Green dec.            |
| Dr Richard Reynolds                                  | Bangor                 | 1721        | Hoadley tr.           |
|  | Lincoln                | 1723        | Gibson tr.            |
| Dr Joseph Wilcox                                     | Gloucester             | 1721        | Willis tr.            |
| Dr Henry Egerton                                     | Rochester              | 1731        | Bradford dec.         |
|  | Hereford               | 1724        | Hoadley tr.           |
| Dr Richard Smallbrooke                               | St David's             | 1724        | Otley dec.            |
|  | Lichfield and Coventry | 1730        | Chandler tr.          |
| Dr Stephen Weston                                    | Exeter                 | 1724        | Blackbourn tr.        |
| Dr Robert Clavering                                  | Llandaff               | 1725        | Tyler dec.            |
|  | Peterborough           | 1729        | Kennet dec.           |
| Dr Samuel Pepk e                                     | Chester                | 1726        | Gastrel dec.          |
| Dr Matthias Mawson                                   | Llandaff               | 1738        | Harris dec.           |
|  | Gloucester             | 1740        | Hare dec.             |
| Dr Isaac Maddox                                      | St Asaph               | 1736        | Tanner dec.           |
| Dr Thomas Sherlock                                   | Bangor                 | 1728        | Baker tr.             |
|  | Salisbury              | 1734        | Hoadley tr.           |
| Dr Nicholas Claget                                   | St David's             | 1731        | Sydal. tr.            |
| Dr Thomas Gooch                                      | Bristol                | 1737        | Secker tr.            |
|  | Norwich                | 1738        | Butts tr.             |
| Sir Geo. Fleming, Bt.                                | Carlisle               | 1734        | Waugh dec.            |
| Dr Joseph Butler                                     | Bristol                | 1738        | Gooch tr.             |
| Dr Martin Benson                                     | Gloucester             | 1734        | Sydal. dec.           |
| Dr Thomas Herring                                    | Bangor                 | 1737        | Cecil dec.            |
| Dr John Gilbert                                      | Llandaff               | 1740        | Mawson tr.            |



ON the 1st of *December*, the King came to the House of Peers, and commanded the Commons to chuse a Speaker. An. 15. Geo. II.  
1741.

The same Day the Duke of *Athole* as Lord *Strange of Keshyn*; the Earl of *Lincoln*, just com of Age; and the Lords *Licheiter*, *Mountford*, and *Chedworth*, took their Seats in the House. Several new  
Peers take their  
Seats.

On the 4th the King made a most gracious Speech to both Houses; \* and his Majesty being withdrawn, the Earl of *Malton* mov'd for an Address of Thanks to the following Effect: Debate on the  
Earl of Malton's  
Motion for an  
Address of  
Thanks for the  
King's Speech.

*My Lords,*

'Tho' the present Perplexity of our Affairs, the Contrariety of Opinions produc'd by it, and the Warmth with which each Opinion will probably be supported, might justly discourage me from proposing any of my Sentiments to this great Assembly; yet I cannot repress my Inclination to offer a Motion, in my Opinion, regular and seasonable, and which, if it should appear otherwise to your Lordships, will, I hope, tho' it should not be received, at least be forgiven, because I have never before wearied your Patience, or interrupted or retarded your Consultations.

But I am very far from imagining that by this Motion I can give any Occasion to Debate or Opposition, because I shall propose no Innovation in the Principles, or Alteration of the Practice of this House; nor intend any Thing more than to lay before your Lordships my Opinion of the Manner in which it may be proper to address his Majesty.

"To return our humble Thanks for his most gracious Speech from the Throne, and at the same Time to present to his Majesty our sincere and joyful Congratulations on his safe and happy Return into this Kingdom.

"To observe, with the utmost Thankfulness, the great Concern his Majesty has been pleas'd to express for carrying on the just and necessary War against *Spain*; which we hope, by the Divine Blessing upon his Majesty's Arms, will be attended with Success equal to the Justice of his Cause, and the ardent Wishes of his People.

"That as His Majesty has so truly represented the impending Dangers to which *Europe* is expos'd, in the present critical Conjunction, as must awaken, in every one, an Attention suitable to the Occasion: And as we cannot but be fully sensible of the evil Consequences of the Enterprizes, carrying on for the Subversion or Reduction of the House of *Austria*, which threaten such apparent Mischiefs to the com-

mon

\* See the Speech in CHANDLER'S History of the House of Commons Vol. XIII. p. 20.

An. 15. Geo. II  
1741.

mon Cause ; to acknowledge his Majesty's Goodness in expressing so earnest a Desire to receive, and so high a Regard for the Advice of his Parliament : And to assure his Majesty, that we will not fail to take the important Points, which he has been pleas'd to mention to us, into our most serious Consideration ; and, in the most dutiful Manner, to offer to his Majesty such Advice as shall appear to us to be most conducive to the Honour and true Interest of his Crown and Kingdoms.

" To assure his Majesty that we have a due Sense, how much the present Posture of Affairs calls upon us, for that Unanimity, Vigour, and Dispatch, which his Majesty has so wisely recommended to us ; and to give his Majesty the strongest Assurances, that we will vigorously and heartily concur in all just and necessary Measures, for the Defence and Support of his Majesty, the Maintenance of the Balance and Liberties of Europe, and the Assistance of our Allies.

" That as Duty and Affection to his Majesty are, in us, fixed and unalterable Principles, so we feel the Impressions of them, at this Time, so strong and lively in our breasts, that we cannot omit to lay hold on this Opportunity of approaching his Royal Presence, to renew the most sincere Professions of our constant and inviolable Fidelity : And to promise his Majesty, that we will at the Hazard of all that is dear to us, exert ourselves for the Defence and Preservation of his sacred person and Government, and the Maintenance of the Protestant Succession in his Majesty's House, on which the Continuance of the Protestant Religion, and the Liberties of Great Britain, do under God depend.

*My Lords,*

' As this Address will not obstruct any future Inquiries, by any Approbation of past Measures, either positive or implied, I doubt not but your Lordships will readily concur in it ; and I am persuaded, that it will confirm his Majesty's Regard for our Councils, and Confidence in our Loyalty.

Lord Level † spoke next to this Effect :

Lord Level.

*My Lords,*

' The Dangers which have been so justly represented by his Majesty, ought to remind us of the Importance of unusual Circumspection in our Conduct, and deter us from any Innovations, of which we may not foresee the Consequences, at a Time when there may be no Opportunity of repairing any Misfortune, or correcting any Mistake.

' There appears, my Lords, not to be at this Time any particular Reason for changing the Form of our Addresses ; no Privileges of our House have been invaded, nor any Designs

† One of the Commissioners for executing the Office of Postmaster General.

kins form'd against the Publick. His Majesty has, evidently, *An. 25. Geo. II.*  
 not deviated from the Practice of the wisest and most belov'd *1741.*  
 of our *British* Monarchs ; he has, upon this Emergence of  
 unexpected Difficulties, summon'd the Parliament to counsel  
 and assist him ; and surely it will not be consistent with the  
 Wisdom of this House to encrease the present Perplexity of  
 our Affairs, by new Embarrassments, which may be easily  
 imagined likely to arise from an Address different from those  
 which Custom has establish'd.

' The Prospect which now lies before us, a Prospect  
 which presents us only with Dangers, Distractions, Invasions,  
 and Revolutions, ought to engage our Attention, without  
 leaving us at Leisure for Disputation upon Ceremonies or  
 Forms. It ought to be the Care of every Lord in this House  
 not how to Address, but how to Advise his Majesty, how to  
 assist the Councils of the Publick, and contribute to such De-  
 terminations as may avert the Calamities that hang over  
 our Heads, and stop the wild Excursions of Power and Am-  
 bition.

' We ought to reflect, my Lords, that the Expectation of  
 all *Europe* are raised by the Meeting of this Parliament ;  
 and that from our Resolutions whole Nations are waiting for  
 their Sentence. And how will Mankind be disappointed  
 when they shall hear, that instead of declaring War upon  
 Usurpers, or imposing Peace on the Disturbers of Mankind,  
 instead of equipping Navies to direct the Course of Com-  
 merce, or raising Armies to regulate the State of the Conti-  
 nent, we met here in a full Assembly, and disagreed upon the  
 Form of an Address.

' Let us therefore, my Lords, lay aside, at least for this  
 Time, all trifling Debates, and minute Inquiries, and engage  
 all in the great Attempt of re-establishing Quiet in the  
 World, and settling the Limits of the Kingdoms of *Europe*.

Then the Earl of *Chesterfield* stood up, and spoke as follows :

*My Lords,*

Earl of *Chester-  
field.*

' There is I find at least one Point which it is proba-  
 ble that those will now agree in, whose Sentiments have hither-  
 to been, on almost every Occasion, widely different. The  
 Danger of our present Situation is generally allowed ; but  
 the Consequences deduced from it are so contrary to each  
 other, as give little Hopes of that Unanimity which Times  
 of Danger particularly require.

' It is alledged, that since we are now involv'd in  
 Difficulties, we ought only to endeavour how to extricate  
 ourselves, and not waste our Time in enquiring how we  
 were

An. 15. Geo. II.  
1741.

were entangled; lest the Perplexity of different Considerations should dissipate our Attention, and disable us from forming any useful Determinations, or exerting any vigorous Efforts for our Deliverance.

‘ But in my Opinion, my Lords, the most probable Way of removing Difficulties, is to examine how they were produced, and by Consequence to whom they are to be imputed; for certainly, my Lords, it is not to be hoped that we should regain what we have lost, but by Measures different from those which have reduc’d us to our present State, and by the Assistance of other Councillors than those who have sunk us into the Contempt, and exposed us to the Ravages of every Nation throughout the World.

‘ That this Inquiry, my Lords, may be free and unobstructed, it is necessary to address the Throne, after the Manner of our Ancestors, in general Terms, without descending to particular Facts, which, as we have not yet examin’d them, we can neither censure nor approve.

‘ It has been objected by the Noble Lord, that Foreign Nations will be disappointed by hearing, that instead of Menaces of Vengeance, and Declarations of unalterable Adherence to the Liberties of *Europe*, we have wasted our Time at this Important Juncture in settling the Form of an Address.

‘ That little Time may be wasted on this Occasion, I hope your Lordships will very speedily agree to an Address suitable to the Dignity of those who make it, and to the Occasion upon which it is made; for I cannot but allow that the present State of our Affairs calls upon us for Dispatch, but though Business ought at this Time undoubtedly to be expedited, I hope it will not be precipitated; and if it be demanded that the most important Questions be first determin’d, I know not any Thing of greater Moment, than that before us.

How we shall gratify the Expectations of Foreign Powers, ought not, my Lords, to be our first or chief Consideration; we ought certainly first to enquire how the People may be set free from those Suspicions which a long Train of Measures, evidently tending to impair their Liberties, has raised; and how they may be confirmed in their Fidelity to the Government, of which they have for many Years found no other Effects than Taxes and Exactions, for which they have received neither Protection abroad, nor Encouragement at home.

‘ But, my Lords, if it be necessary to consult the Inclinations, and cultivate the Esteem of Foreign Powers, I believe nothing will raise more Confidence in our Allies, (if there be any who are not now ashamed of that Name) or more intimidate

date those whose Designs it is our Interest to defeat, than an open Testimony of our Resolution no longer to approve that Conduct by which the Liberty of half *Europe* has been endangered ; and not to lavish Praises on those Men, who have in twenty Years never transacted any Thing to the real Benefit of their Country, and of whom it is highly probable that they have in the present War stipulated for the Defeat of all our Attempts, and agreed by some execrable Compact to facilitate the Advancement of the House of *Bourbon*.

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‘ Upon what Facts I ground so heavy an Accusation may justly be enquired by your Lordships ; nor shall I find any Difficulty in answering your Demands. For, if we extend our View over the whole World, and enquire into the State of all our Affairs, we shall find nothing but Defeats, Miscarriages, and Impotence, with their usual Consequences Contempt and Distrust. We shall discover neither any Tokens of that Fear among our Enemies, which the Power of the Nation, and the Reputation of our former Victories might naturally produce, nor any Proofs of that Confidence among those whom we still continue to term our Allies, which the Vigour with which we have formerly supported our Confederacies, give us a Right to expect. Those whom we once trampled on insult us, and those whom we once protected give us no Credit.

‘ How reasonably, my Lords, all Nations have withdrawn from us their Reverence and Esteem, will appear by a transient Examination of our late Conduct, whether it regarded *Europe* in general, or influenced only the particular Affairs of the *British* Nation ; for it will appear beyond Possibility of Doubt, that whoever has trusted this Administration, whether their own Country or any Foreign Powers, has trusted only to be betray'd.

‘ There is among our Allies none whom we are more obliged to support than the Queen of *Hungary*, whose Rights we are engaged by all the Solemnities of Treaties to defend, and in whose Cause every Motive operates that can warm the Bosom of a Man of Honour. Justice and Compassion plead equally on her Side, and we are called upon to assist her by our own Interest, as well as the general Duty of Society, by which every Man is required to prevent Oppression.

‘ What has been the Effect of all these Considerations may easily be discovered from the present State of the Continent, which is ravaged without Mercy by the Armies of *Spain* and *France*. Why all Succours have been denied the Queen of *Hungary*, and why the inveterate and hereditary Enemies of our Nation are suffered to enlarge their Dominions without Resistance ; why the Rivals of our Trade are



An. 15. Geo. II. left at full Liberty to equip their Squadrons ; and the Persecutors of our Religion suffered to over-run those Countries from whence only we can hope for Assistance, when the Hatred which the Difference of Opinions produces shall threaten us with Invasions and Slavery, the whole World has long ask'd to no purpose ; and therefore it is without Prospect of receiving Satisfaction that I engage in the same Enquiry.

‘ Yct since it is our Duty to judge of the State of the Publick, and a true Judgement can be the Result only of a strict Examination, I shall proceed, without being discouraged by the ill Success of former Attempts, to discover the Motives of our late Measures, and the Ends intended to be produced by them.

‘ Why the Queen of *Hungary* was not assisted with Land-Forces, I shall at present forbear to ask ; that she expected them is indeed evident from her Solicitations, and, I suppose, it is no less apparent from Treaties that she had a Right to expect them ; nor am I able to conceive why Subsidies have been paid for Troops which are never to be employed, or why Foreign Princes should be enriched with the Plunder of a Nation which they cannot injure, and do not defend.

‘ But I know, my Lords, how easily it may be replied, that the Expences of a Land-War are certain and the Event hazardous ; that it is always prudent to act with evident Advantage on our Side, and that the Superiority of *Great-Britain* consists wholly of Naval Armaments.

‘ That the Fleets of *Great Britain* are equal in Force and Number of Ships to the united Navies of the greatest Part of the World ; that our Admirals are Men of known Bravery, and long Experience, and therefore formidable not only for their real Abilities and natural Courage, but for the Confidence which their Presence necessarily excites in their Followers, and the Terror which must always accompany Success, and enervate those who are accustomed to Defeats ; that our Sailors are a Race of Men distinguished by their Ardour for War, and their Intrepidity in Danger, from the rest of the Human Species ; that they seem Beings superior to Fear, and delighted with those Objects which cannot be named without filling every other Breast with Horror ; that they are capable of rushing upon apparent Destruction without Reluctance, and of standing without Concern amidst the Complicated Terrors of a naval War, is universally known, and confessed, my Lords, even by those whose Interest it is to doubt or deny it.

‘ Upon

‘ Upon the Ocean therefore we are allowed to be irre-  
 sistible, to be able to shut up the Ports of the Continent,  
 imprison the Nations of *Europe* within the Limits of their  
 own Territories, deprive them of all Foreign Assistance, and  
 put a Stop to the Commerce of the World. It is allowed  
 that we are placed the Centinels at the Barriers of Nature,  
 and the Arbiters of the Intercourse of Mankind.

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‘ These are Appellations, my Lords, which however  
 splendid and ostentatious, our Ancestors obtained and pre-  
 ferred with less Advantages than we possess, by whom, I am  
 afraid, they are about to be forfeited. The Dominion of  
 the Ocean was asserted, in former Times, in Opposition to  
 Powers far more able to contest it, than those whom we  
 have so long submissively courted, and of whom we are now  
 evidently afraid.

‘ For that we fear them, my Lords, they are sufficiently  
 convinced, and it must be confessed, with whatsoever Shame,  
 that their Opinion is well founded ; for to what Motive but  
 Fear can it be imputed, that we have so long supported their  
 Insolence without Resentment, and their Ravages without  
 Repairs ; that we have fitted out Fleets without any Design  
 of dismissing them from our Harbours ; or sent them to  
 Sea, only to be gazed at from the Shores by those, whose  
 Menaces or Artifice had given Occasion for their Equip-  
 ment, and in whom they raised no other Emotions than Con-  
 tempt of our Cowardice, or Pity of our Folly.

‘ To what, my Lords, can it be attributed that the Queen  
 of *Hungary* has yet received no Assistance from Allies thus  
 Powerful ; from Allies whose Fleets cover the Sea, whose  
 Commerce extends to the remotest Parts of the World, and  
 whose Wealth may be justly expected to be proportionate to  
 their Commerce. To what can we ascribe the Confidence  
 with which the House of *Bourbon* threatens the Ruin of a  
 Princess, who numbers among her Allies the King of  
*Great Britain* ?

‘ Nothing is more evident, my Lords, than that the  
 Queen of *Hungary* has been disappointed of the Advantages  
 which she expected from her Friendship with this Nation ;  
 only by a Degree of Cowardice too despicable to be mention-  
 ed without such Terms, as the Importance of this Debate,  
 and the Dignity of this Assembly, do not admit ; nor is it  
 less certain from the Conduct of her Enemies, that they  
 knew what would be our Measures, and confided in that  
 Cowardice which has never yet deceived them.

‘ It cannot, my Lords, be asserted, that our Ally, how-  
 ever distressed, has yet received the least Assistance from our  
 Arms ; neither the Justice of our Cause has yet been able to  
 awaken

An. 15. Geo. II. awaken our Virtue, nor the inseparable Union of her Interest with our own to excite our Vigilance.'

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' But perhaps, my Lords, we have had no Opportunity of exerting our Force, perhaps the Situation both of our Enemies and Allies was such, that neither the one could be protected, nor the other opposed, by a naval Power; and therefore our Inactivity was the Effect not of Want of Courage, but Want of Opportunity.'

' Tho' our Ministers, my Lords, have hitherto given no eminent Proofs of Geographical Knowledge, or of very accurate Acquaintance with the State of Foreign Countries, yet there is Reason to believe that they must at some Time have heard or read, that the House of *Austria* has Territories in *Italy*; they must have been informed, unless their Disbursements for secret Service are bestowed with very little Judgment, that against these Dominions an Army has been raised by the *Spaniards*; and they must have discovered, partly by the Information of their Correspondents, partly by the Inspection of a Map, and partly by that Sagacity which distinguishes them from all past and present Ministers, that this Army was to be transported by Sea from the Coast of *Spain* to that of *Italy*.'

' This Knowledge, my Lords, however attained, might have furnished Minds, which have always been found so fruitful of Expedients, with a Method of hindering the Descent of the *Spanish* Troops, for which nothing more was necessary than that they should have ordered Admiral *Haddock*, instead of retiring before the *Spanish* Fleet of War and watching them only that they might escape, to lie still before *Barcelona*, where the Transports were station'd, with a Convoy of only three Men of War, and hinder their Departure.'

' I hope it will be observed by your Lordships, that tho' the Road of *Barcelona* is open and indefensible; tho' the Fleet was unprotected by Ships of Force, and tho' they lay, as I am informed, beyond the Reach of the Guns on the Fortifications upon the Shore, I do not expect that *Haddock* should have destroyed the Army and the Ships.

' I am too well acquainted, my Lords, with the Lenity of our Ministers to the Enemies of their Country, and am too well convinced of the Prudence and Tenderness of the Restrictions by which the Power of our Admirals is limited, to expect that our Guns should be ever used but in Salutations of Respect, or Exultations on the Conclusion of a Peace. I am convinced that our Ministers would shudder at the Name of Bloodshed and Destruction, and that they had rather hear that a Thousand Merchants were made Bankrupts by

Priva-

Privateers, or all our Allies deprived of their Dominions, An. 15. Geo. II.  
 that one *Spanish* Ship was sunk or burnt by the Natives 1741,  
 of Britain.

But, my Lords, tho' they are willing to spare the  
 Blood of their Enemies, yet surely they might have obstructed  
 their Enterprises ; they might have withheld those whom  
 they were unwilling to strike, and have endeavoured to  
 fight those whom they determined never to hurt.

To speak in Terms more adapted to the Subject before  
 us : That the Fleet of *Spain*, a Fleet of Transports with  
 a Convoy, should lie three Weeks in an open Road,  
 pointedly fitted out against an Ally united to us by every  
 Tie of Nature and of Policy, by the Solemnity of Treaties  
 and Conformity of Interest ; that it should lie undisturbed,  
 almost within Sight of a *British* Navy ; that it should lie there  
 not only without Danger, but without Apprehension of Dan-  
 ger, has rais'd the Astonishment of every Nation in *Europe* ;  
 has blasted the Reputation of our Arms, impaired the In-  
 fluence of our Councils, and weaken'd the Credit of our  
 publick Faith.

There may be some, my Lords, that will impute this  
 Absurdity of our Conduct, this Disregard of our Interest,  
 this Desertion of our Alliances, and this Neglect of the  
 most apparent Opportunities of Success, not to Cowardice  
 but Treachery ; a Cause more detestable because more  
 criminal.

This Opinion, my Lords, I think it unnecessary to  
 oppose, because it cannot be charged with Improbabili-  
 ty, and because I think it may be easily reconciled with  
 my own Assertions ; for Cowardice abroad produces Treache-  
 ry at home ; and they become Traytors to their Country who  
 are hindered, by Cowardice, from the Prosecution of her In-  
 terest, and the Opposition of her Enemies.

It may however be proper to declare, my Lords, that I  
 do not impute this fatal Cowardice to those who are en-  
 trusted with the Command of our Navies, but to those from  
 whom they are obliged to receive their Instructions, and  
 upon whom they unhappily depend for the Advancement of  
 their Fortunes.

It is at least reasonable to impute Miscarriages rather to  
 those, who are known to have given formerly such Orders as  
 a brave Admiral † perished under the ignominious Necessity  
 of observing ; than to those of whom it cannot be said that  
 any former Part of their Lives has been stained with the  
 Reproach of Cowardice ; at least it is necessary to suspend our  
 Judgment till the Truth shall be made apparent by a rigid  
 Enquiry, and it is therefore proper to offer an Address in ge-  
 neral

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neral Terms, by which neither the Actions or Councils of any shall be condemned or approved.

‘ It would be more unreasonable to charge our Soldiers or our Sailors with Cowardice, because they have shewn even in those Actions which have failed of Success, that they miscarried rather thro’ Temerity than Fear ; and that whenever they are suffered to attack their Enemies they are ready to march forward, even where there is no Possibility of returning ; and that they are only to be withheld from Conquests by Obstacles which human Nature cannot surmount.

‘ Such, my Lords, was the State of those Heroes that died under the Walls of *Carthage* ; that died in an Enterprize so ill concerted, that I ventured with no great Skill in War, and, without the least Pretence to Prescience, to foretel in this House that it would miscarry.

‘ That it would, that it must miscarry, that it was even intended only to amuse the Nation with the Appearance of an Expedition, without any Design of weakening our Enemies, was easily discovered ; for why else, my Lords, was the Army composed of Men newly drawn from the Shop and from the Plough, unacquainted with the Use of Arms, and ignorant of the very Terms of military Discipline, when we had among us large Bodies of Troops long kept up under the Appearance of a regular Establishment, Troops of whom we have long felt the Expence, but of which the Time is not, it seems, yet come, that we are to know the Use.

‘ These Men, my Lords, who have so long practised the Motions of Battle, and who have given in the Park so many Proofs of their Dexterity and Activity, who have at least learned to distinguish the different Sounds of the Drum, and know the Faces and Voices of their subaltern Officers at least, might have been imagined better qualified for an Attempt upon a foreign Kingdom, than those who were necessarily Strangers to every part of the military Operations ; and might have been sent upon our first Declaration of War, while the new raised Forces acquired at home the same Arts under the same Inspection.

‘ But, my Lords, whether it was imagined that new Forces would be long before they learned the implicate Obedience necessary to a Soldier ; whether it was imagined that it would not be easy on a sudden to collect Troops of Men so tall and well-proportioned, or so well skill’d in the Martial Arts of curling and powdering their Hair ; or whether it would have been dangerous to have deprived the other House of the Counsels and Votes of many worthy Members,

who

who had at the same Time a Seat in Parliament, and a Commission in the Army, it was thought necessary to send out raw Forces to attack our Enemies, and to keep our disciplin'd Troops at Home to awe the Nation.

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' Nor did the Minister, my Lords, think it sufficient to obstruct the Expedition to the *West-Indies*, by employing new raised Troops, unless they were likewise placed under the Command of an Officer, who, though of undoubted Courage, was with Respect to the Conduct of an Army, as ignorant as themselves. It was therefore determin'd, my Lords, that all those Officers who had gain'd Experience in former Wars and purchased Military Knowledge by personal Danger, should be disappointed and rejected, for the Sake of advancing a Man, who, as he had less Skill, was less likely to be successful, and was therefore more proper to direct an Expedition proposed only to intimidate the *British* Nation.'

' That the Event was such as might be expected from the Means, your Lordships need not to be inform'd, nor can it be question'd with what Intentions these Means were contrived.'

' I am very far, my Lords, from charging our Ministers with Ignorance, or upbraiding them with Mistakes on this Occasion, for their whole Conduct has been uniform, and all their Schemes consistent with each other; nor do I doubt their Knowledge of the Consequence of their Measures so far as discoverable by human Foresight.'

' Whether they have carried on Negotiations, or made War; whether they have conducted our own Affairs, or those of our Ally the Queen of *Hungary*, they have still discovered the same Intention, and promoted it by the same Means. They have suffered the *Spanish* Fleets to sail first for Supplies from one Port to another, and then from the Coasts of *Spain* to those of the *West-Indies*. They have permitted the *Spaniards* without Opposition to land in *Italy*, when it was not necessary even to with-hold them from it by any actual Violence; for had the Fleet, my Lords, been under my Command, I would have only sent the *Spanish* Admiral a Prohibition to sail, and I am sure it would have been observed.'

' They have neglected to purchase the Friendship of the King of *Prussia*, which might perhaps have been obtained upon easy Terms, but which they ought to have gained at whatever Rate; and to conclude, we have been lately informed that the Neutrality for *Hanover* is signed.'

' Such, my Lords, is the Conduct of the Ministry, by which it cannot be denied that we are involved in many Difficulties, and exposed to great Contempt, but from this

Ann. 15. Geo. II. Contempt we may recover, and disintangle ourselves from these Difficulties, by a vigorous Prosecution of Measures opposite to those by which we have been reduced to our present State.

1741.

‘ If we consider, without that Confusion which Fear naturally produces, the Circumstances of our Affairs, it will appear that we have Opportunities in our Hands of recovering our Losses, and re-establishing our Reputation; those Losses which have been suffered while we had two hundred Ships of War at Sea, which have permitted three hundred Merchant Ships to be taken; and that Reputation which has been destroy’d when there was no Temptation either to a Compliance with our Enemies, or to a Desertion of our Friends.

‘ It is well known, my Lords, that we make War at present rather with the Queen than the People of *Spain*; and it is reasonable to conclude, that a War carried on contrary to the general Good and against the general Opinion cannot be lasting.’

‘ It is certain, that the *Spaniards*, whenever they have been attack’d by Men acquainted with the Science of War, and furnished with necessary Stores for hostile Attempts, have discovered either Ignorance or Cowardice, and have either fled meanly or resisted unskilfully.’

‘ It is therefore probable, my Lords, that either our Enemies will desist from the Prosecution of a War, which few of them approve; or that we shall, by vigorous Descents upon their Coasts and their Colonies, the Interruption of their Trade, and the Diminution of their Forces, soon compel them to receive Peace upon our own Terms.’

‘ But these Advantages, my Lords, are only to be expected from a Change of Conduct, which Change can never be produced by a seeming Approbation of the past Measures. I am therefore of Opinion, that we ought to address the Throne in general Terms, according to the ancient Practice of this House.’

‘ In considering the Address proposed, I cannot but conclude that it is too extensive, and that it would be more forcible if it was more concise; to shorten it will be no difficult Task, by the Omission of all the Clauses that correspond with particular Parts of his Majesty’s Speech, which I cannot discover the Necessity of repeating.’

‘ In the Congratulation to his Majesty upon his Return to his once glorious Dominions, no Lord shall concur more readily or more zealously than myself, nor shall I even deny to extend my Compliments to the Ministry, when it shall appear that they deserve them; but I am neither willing

to

to be lavish of Praise, because it becomes less valuable by being prodigally bestow'd ; and on Occasions so important as this, I can never consent to praise before I have examined, because Enquiry comes too late after Approbation.

An. 15. Geo. II.

1741

The Earl of *Cholmondeley* \* spoke next,

*My Lords,*

E. Cholmondeley.

' If the Dangers that threaten our Happiness and our Safety be such as they have been represented ; if Ambition has extended her Power almost beyond a Possibility of Resistance, and Oppression elated with Success begins to design no less than the universal Slavery of Mankind ; if the Powers of *Europe* stand aghast at the Calamities which hang over them, and listen with helpless Confusion to that Storm which they can neither avoid nor resist, how ought our Conduct to be influenced by this uncommon State of Affairs ? Ought we not to catch the Alarm while it is possible to make Preparation against the Danger ? Ought we not to improve, with the utmost Diligence, the important Interval ? To unite our Councils for the Protection of Liberty, and exert all our Influence against the common Enemies of Society, the unwearied Disturbers of the Tranquility of Mankind ?

' To what Purpose, my Lords, are the Miseries, that the present Distractions of *Europe* may bring upon us, so pathetically described, and so accurately enumerated, if they are to produce no Effect upon our Councils ? And what Effect can be wished from them but Unanimity, with that Vigour and Dispatch which are its natural Consequences, and that Success which generally attends Steadiness and Expedition ?

' It might be hoped, my Lords, that those who have so clear a View of our present Embarrassments, and whose Sagacity and Acuteness expose them to a Sensibility of future Miseries, perhaps more painful than would be excited by the present and real Calamities, should not be thus tortured to no Purpose. Every Passion, my Lords, has its proper Object by which it may be laudably gratified, and every Disposition of Mind may be directed to useful Ends. The true Use of that Foresight of future Events, with which ~~the~~ great Capacities are so eminently endowed, is that of producing Caution and suggesting Expedients. What Advantage, my Lords, would it be to Navigators that their Eyes could by any preternatural Power discover Sands or Rocks, if he was too negligent or too stubborn to turn the wheel out of the Danger ?

1741

B 2

' Or



An. 15. Geo. II.  
1741.

‘ Or how, my Lords, to pursue the Comparifon, would that Pilot be treated by the Crew, who, after having informed them of their Approach to a Shoal or Whirlpool, and fet before them, with all his Rhetorick, the Horrors of a Shipwreck, fhould, inftead of directing them to avoid Deftitution, and affifting their Endeavours for their common Safety, amufe them with the Mifcarriages of paff Voyages, and the Blunders and Stupidity of their former Pilot.’

‘ Whether any Parallel can be formed between fuch ill-timed Satire, and wild Mifconduct, and the Manner in which your Lordships have been treated on this Occafion, it is not my Province to determine. Nor have I any other Defign than to fhew that the only proper Conduct in Time of real Danger is Preparation againft it, and that Wit and Eloquence themfelves, if employ’d to any other Purpofe, lofe their Excellence, becaufe they lofe their Propriety.’

‘ It does not appear, my Lords, that the Addrefs now propofed includes any Approbation of paff Meafures, and therefore it is needlefs to enquire, on this Occafion, whether the Conduct of our Minifters or Admirals deferves Praise or Cenfure.’

‘ It does not appear, my Lords, that by cenfuring any Part of our late Conduct, however detrimental to the Publick it may at prefent be imagined, any of our Loffes will be repaired, or any Part of our Reputation retrieved; and therefore, fuch Proceedings would only retard our Councils, and divert our Thoughts from more important Confiderations: Confiderations, which his Majefty has recommended to us, and which cannot be more ftrongly preffed upon us than by the noble Lord who oppofed the Motion; for he moft powerfully incites to Unanimity and Attention, who moft ftrongly represents the Danger of our Situation.’

‘ Of the good Effects of publick Consultations, I need not obferve, my Lords, that they arife from the joint Endeavour of many Underftandings co-operating to the fame End; from the Reasonings and Observations of many Individuals of different Studies, Inclinations and Experience, all directed to the Illuftration of the fame Queftion, which is therefore fo accurately difcuffed, fo variously illuftrated, and fo amply display’d, that a more comprehensive View is obtained of its Relations and Confequences, than can be hoped from the Wifdom or Knowledge of any fingle Man.’

‘ But this Advantage, my Lords, can only be expected from Union and Concurrence; for when the different Members of a National Council enter with different Defigns, and exert their Abilities not fo much to promote any general Purpofes, as to obviate the Meafures, and confute the Arguments

ments

ments of each other, the Publick is depriv'd of all the Benefit that might be expected from the collective Wisdom of Parliaments, whatever may be the Capacity of those who compose them. A Parliament thus divided will perhaps conclude with less Prudence than any single Member, as any Man may more easily discover Truth without Assistance, than when others of equal Abilities are employ'd in perplexing his Enquiries.

An. 15. Geo. II.

1741.

'Taus, my Lords, it might be safer for a Nation even in Time of Terror and Disorder, to be deprived of the Counsels of this House, than to confide in the Determinations of a Parliament not uniform in its Views, nor connected in its Interests; a Parliament from which little can be hoped by those who observe that it cannot, without a tedious Debate prolonged with all the Heat of Opposition, dispatch the first and most curious Part of publick Business,—only an Address of Thanks for his Majesty's Speech.'

'It has been for a long Time a Practice too frequent, to confound past with present Questions, to perplex every Debate by an endless Multiplication of Objects, and to obstruct our Determinations by substituting one Enquiry in Place of another.'

'The only Question, my Lords, now before us is, whether the Address which the noble Lord proposed, implies any Commendation of past Measures, not whether those Measures deserve to be commended; which is an Enquiry not at present to be pursued, because we have not now before us the Means of attaining Satisfaction in it, and which ought therefore to be delay'd till it shall be your Lordship's Pleasure to appoint a Day for examining the State of the Nation, and to demand those Letters, Instructions and Memorials, which are necessary to an accurate and Parliamentary Disquisition.'

'In the mean Time, since it is at least as expedient for me to vindicate, as for others to accuse those of whose Conduct neither they nor I have yet any regular Cognizance; and I may justly expect from the Candour of your Lordships, that you will be no less willing to hear an Apologist than a Censurer, I will venture to suspend the true Question a few Moments, to justify a Conduct so wantonly and so contemptuously derided.'

'That the Preservation of the House of *Austria*, my Lords, ought to engage the closest Attention of the *British* Nation is freely confessed. It is evident, that by no other Means our Commerce, our Liberty, or our Religion can be secured, or the House of *Bourbon* restrained from overwhelming the Universe. It is allow'd that the Queen of *Hun-*

An. 15. Geo. II. *gary* has a Claim to our Assistance by other Ties than those of Interest; that it was promised upon the Faith of Treaties, and it is demanded by the loudest Calls of Honour, Justice, and Compassion. And did it not appear too juvenile and romantick, I might add, that her personal Excellencies are such as might call Armies to her Assistance from the remotest Corners of the Earth; that her Constancy in the Assertion of her Rights might animate every generous Mind with equal Firmness; and her Intrepidity in the Midst of Danger and Distress, (when every Day brings Accounts of new Encroachments, and every new Encroachment discourages those from whom She may claim Assistance from declaring in her Favour) might inspire with Ardour for her Preservation all those in whom Virtue can excite Reverence, or whom Calamities unjustly inflicted can touch with Indignation.

' Nor am I afraid to affirm, my Lords, that the Condition of this illustrious Princess raised all these Emotions in the Court of *Britain*, and that the Vigour of our Proceedings will appear proportioned to our Ardour for her Success. No sooner was the true State of Affairs incontestably known, than twelve thousand Auxiliary Troops were hired, and commanded to march to her Assistance, but her Affairs making it more eligible for her to employ her own Subjects in her Defence, and the Want of Money being the only Obstacle that hindered her from raising Armies proportioned to those of her Enemies, she required, that instead of Troops a Supply of Money might be sent her, with which his Majesty willingly complied.

' The *British* Ministers in the mean Time endeavoured, by the most importunate Solicitations, to animate her Allies to equal Vigour, or to procure her Assistance from other Powers whose Interest was more remotely affected by her Distress; if the Effects of their Endeavours are not yet manifest, it cannot be imputed to the Want either of Sincerity, or Application; and if any other Powers should be persuaded to arm in the common Cause, it ought to be ascribed to the Influence of *British* Councils.'

' In the Prosecution of the War with *Spain*, it does not appear, my Lords, that any Measures have been neglected, which Prudence or Bravery or Experience could be expected to dictate. If we have suffered greater Losses than we expected, if our Enemies have been sometimes favoured by the Winds, or so happy as to conceal their Designs, and elude the Diligence of our Commanders, who is to be censured? Or what is to be concluded, but that which never was denied, that the Chance of War is uncertain?

' It was the general Opinion of the People of *Great Britain*,

very Negotiations ; and the Miscarriages of a War in which *As. 25. Geo. II.*  
only Folly and Cowardice have involved us ?' 1741.

‘ Nothing, my Lords, is more astonishing than to hear it asserted in this House, that we have no ill Success to complain of. Might we not have hoped for Success, if we had made a suitable Preparation ? And how is this to be done, but by comparing our Forces with that of our Enemy ? Hence we were inclined to believe, that the Power of *Great Britain* was not to be resisted by *Spain*, and therefore demanded that our Merchants should be no longer plunder’d or insulted by so despicable an Enemy.’

‘ That we did not foresee all the Consequences of this Demand we are now ready to confess ; we did not conjecture that new Troops would be raised for the Invasion of the *Spanish* Dominions, only that we might be reduced to a Level with our Enemies. We did not imagine that the Superiority of our Naval Force would produce no other Consequence than an Inequality of Expence, and that the Royal Navies of *Great Britain* would be equip’d only for Show, only to harass the Sailors with Impresses, and to weaken the Crews of our Merchant Ships, that they might be more easily taken by the *Spanish* Privateers.’

‘ We did not expect, my Lords, that our Navies would sail out under the Command of experienced Admirals, and float upon the Ocean equally inoffensive as a common Packet-Boat.’

‘ But not to speak any longer, my Lords, in Terms so little suited to the Importance of the Question, the Success of War is only to be estimated by the Advantages which are gained in Proportion to the Loss which is suffered, of which Loss the Expences occasioned by the War are always the chief Part, and of which it is therefore usual, at the Conclusion of a Peace, for the conquer’d Power to promise Payment.’

‘ Let us examine, my Lords, in Consequence of this Position, the Success of our present War against *Spain* ; let us consider what each Nation has suffered, and it will easily appear how justly we boast of the Wisdom of our Measures.’

‘ It is not on this Occasion necessary to assert what cannot be denied, that our Expences have neither contributed to our own Defence, nor the Disadvantage of the *Spaniards*.’

‘ No Nation ever beheld its Treasures so profusely squander’d, ever paid Taxes so willingly, and so patiently saw them perverted ; for it cannot, my Lords, be proved that any Part of our Preparations has produced a proportionate Effect ; but it may be readily shewn how many Fleets have been equipped only that the Merchants might want Sailors, and that the publick Stores might be wasted.’

An. 15. Geo. II.

1741



‘ As to our ill Success in the *West Indies*, which has been imputed only to the Chance of War, it will be reasonable, my Lords, to ascribe to other Causes so much of it as might have been prevented by a more speedy Reinforcement of *Vernon*, or may be supposed to have arisen from the Inexperience of our Troops, and the Escape of the *Spaniards* from *Ferol*.

‘ If our Fleets had been sent sooner into that Part of the World, the *Spaniards* would have had no Time to strengthen their Garrisons ; had our Troops been acquainted with Discipline, the Attack would have been made with greater Judgment ; and had not the *Spaniards* escaped from *Ferol*, we should have had no Enemy in the *West Indies* to encounter. Had all our Ministers and all our Admirals done their Duty, it is evident that not only *Carthagena* had been taken, but that half the Dominions of *Spain* might now have own’d the Sovereignty of the Crown of *Great Britain*.

‘ But of all our Armaments it does not appear any Effect has been felt but by ourselves ; it cannot be discover’d that they even rais’d any Alarms, either in our Enemies or their Allies, by whom perhaps it was too well known that they were only design’d as Punishments for the Merchants of *Great Britain*.

‘ That our Merchants have already been severely chastised for their Insolence in complaining of their Losses, and their Rashness in raising a Regard for its Commerce, its Honour and its Rights, is evident from a List of 300 Ships taken by the *Spaniards*, some of which were abandon’d by their Convoys, and others seized within Sight of the Coasts of *Great Britain*.

‘ It may be urged, my Lords, that the *Spaniards* have likewise lost a great Number of Vessels ; but what else could they expect when they engaged in a War against the greatest Naval Power of the Universe ? And it is to be remember’d, that the *Spaniards* have this Consolation in their Misfortunes, that of their Ships none have been deserted by their Convoys, or wilfully exposed to Capture, by being robbed of their Crews, to supply Ships of War with useless Hands.

‘ The *Spaniards* will likewise consider that they have not fitted out Fleets only to amuse the Populace. They comfort themselves with the Hope that the People of *Great Britain* will soon be reduced to a State of Weakness below themselves, and wait patiently for the Time in which the Masters of the Sea shall receive from them the Regulation of their Commerce and the Limits of their Navigation.

‘ Nor can it be doubted, my Lords, but that by adhering

to these Measures, our Ministers will in a short Time gratify Am. 15. Geo. II.  
 their Hopes. 1741.

That this has been hitherto the State of the War between *Great Britain* and *Spain*, it is not necessary to prove to your Lordships; it is apparent that the Expences of the *Spaniards* have been far less than those of *Great Britain*, and therefore if we should suppose the actual Losses of War equal, we are only wearing out our Force in useless Efforts, and our Enemies grow every Day comparatively stronger.

But, my Lords, let us not flatter ourselves that our actual Losses have been equal; let us, before we determine this Question, accurately compare the Number and the Value of our Ships and Cargoes with those of the *Spaniards*, and see on which Side the Loss will fall.

And let us not forget, what in all the Calculations which I have yet seen on either Part, has been totally overlooked, the Number of Men kill'd, or Captives in the *British* or *Spanish* Dominions. Men, my Lords, are at once Strength and Riches, and therefore it is to be considered that the most irreparable Loss which any Nation can sustain, is the Diminution of its People: Money may be repaid, and Commerce may be recovered, even Liberty may be regain'd, but the Loss of People can never be retrieved. Even the twentieth Generation may have Reason to exclaim—How much more numerous and more powerful would this Nation have been, had our Ancestors not been betrayed in the Expedition to *Carthage*!

What Loss, my Lords, have the *Spaniards* sustained which can be put in Ballance with that of our Army in the *West-Indies*; an Army given up to an unhealthy Climate, and of which those who perished by the Sword, were in reality rescued from a more lingering Death?

What Equivalent can be mentioned for the Liberty of Multitudes of *Britons* now languishing in the Prisons of *Spain*, or compelled to assist the Enemies of their Country? What have the *Spaniards* suffered that can be opposed to the Detriment which the Commerce of this Nation feels from the Imprisonment of our Sailors?

These, my Lords, are Losses not to be parallell'd by the Destruction of *Porto Bello*, even though that Expedition should be ascribed to the Ministry. These are Losses which may extend their Consequences to many Ages.

It is not to be imagined, my Lords, that in this Time of imminent Danger, any Man will engage in naval Business who can exercise any other Profession; and therefore the Death or Captivity of a Sailor leaves a Vacancy in our Commerce, since no other will be ready to supply his Place.

An. 15. Geo. II. Thus by Degrees the Continuance of the War will contradi-  
 1741. our Trade, those Parts of it which we cannot occupy will  
 be snatch'd by the *French* or *Dutch*, from whom it is no  
 probable they will ever be recovered.'

' This, my Lords, is another Disadvantage to which the  
*Spaniards* are not expos'd; for their Traffick being only  
 from one Part of their Dominions to another, cannot be  
 destroyed, but will, after the short Interruption of a War  
 be again equally certain and profitable.'

' It appears, therefore, my Lords, that we have hitherto  
 suffered more than the *Spaniards*, more than the Nation  
 which we have so much Reason to despise; it appears that  
 our Fleets have been useless, and that our Troops have been  
 only sent out to be destroyed; and it will therefore surely be  
 allowed me to assert — That the War has not been hitherto  
 successful.'

' I am therefore of Opinion, my Lords, that as the Ad-  
 dress, now propos'd, cannot but be understood both by his  
 Majesty and the Nation, to imply in some Degree an Ap-  
 probation of that Conduct, which is so far from having any  
 Title to it, that it ought never to be mentioned but with  
 Horror and Contempt, it will be unworthy of this House  
 offensive to the whole Nation, and unjust to his Majesty.'

' His Majesty, my Lords, has summon'd us to advise  
 him in this important Juncture, and the Nation expect  
 from our Determinations its Relief or its Destruction, no  
 will either have much to hope from our Counsels, if in our  
 first publick Act we impose upon them in this Manner.'

' It seems therefore necessary to change the common Form  
 of our Addresses to the Throne, to do once at least what his  
 Majesty demands and the People expect, and to remember  
 that no Characters are more inconsistent, than those of  
 Counsellor of the King, and a Flatterer of the Ministry.'

Then the Earl of *Abingdon* spoke as follows:

B. of Abingdon.

*My Lords,*

' I have always observ'd that Debates are frequently pro-  
 longed by Neglect of Method, and therefore think it neces-  
 sary to move, *That the Question may be read*, that the nob.  
 Lords who shall be inclin'd to give their Sentiments upon  
 it, may not deviate into any Considerations foreign to the  
 Point.'

The Question being read accordingly, the Lord *Carteret*  
 spok to the following Purpose:

Lord Carteret.

*My Lords,*

' I am convinc'd of the Propriety of the last Motion, and  
 the Advantage which it has afforded me of viewing more dis-  
 liberately and distinctly the Question before us; the Con-  
 sideratio

Station of which has confirmed me in my own Opinion, An. 15. Geo. II.  
 the Address now proposed is only a flattering Repeti- 1741  
 tion of the Speech, and that the Speech was drawn up only  
 to betray us into an Encomium on the Ministry; who, as  
 certainly have not deserved any Commendations, will,  
 therefore, not receive them from your Lordships. For what  
 has been the Result of all their Measures, but a general  
 Confusion, the depressing of our own Nation and our Allies,  
 and the Exaltation of the House of *Bourbon*?

'It is universally allowed, my Lords, and therefore need-  
 ed to prove, that the Liberties of *Europe* are now in the utmost  
 Danger; that the House of *Bourbon* has arrived almost at  
 that exalted Pinacle of Authority, from whence it will look  
 down with Contempt upon all other Powers, to which it will  
 hereforward prescribe Laws at Pleasure.'

'That *Great Britain* will be long exempted from the ge-  
 neral servitude, that we shall be able to stand alone against  
 the whole Power of *Europe*, which the *French* may then bring  
 down upon us, and preserve ourselves independent, while  
 every other Nation acknowledges her Authority is by no  
 Means likely, and might be perhaps demonstrated to be  
 impossible.'

'How long we might be able to retain our Liberty, it is  
 beyond the Reach of Policy to determine; but as it is evi-  
 dent, that when the Empire is subdued, the *Dutch* will  
 quickly fall under the same Dominion, and that all their  
 Arts and Commerce will then be in the Hands of the  
*French*, it cannot be denied that our Trade will quickly be  
 at an End. We shall then lose the Dominion of the Sea,  
 and all our distant Colonies and Settlements, and be shut up  
 to our own Island, where the Continuance of our Liberties  
 can be determined only by the Resolution with which we  
 shall defend them.'

'That this, my Lords, must probably be in a few Years  
 our State, if the Schemes of the House of *Bourbon* should  
 succeed, is certain beyond Controversy; and therefore it is  
 evident, that no Man to whom such a Condition does not  
 appear eligible, can look unconcerned at the Confusion of  
 the Continent, or consider the Destruction of the House of  
*France*, without endeavouring to prevent it.'

'But, my Lords, tho' such Endeavours are the Duty of  
 all who are engaged in the Transaction of publick Affairs;  
 tho' the Importance of the Cause of the Queen of *Hungary*  
 be acknowledged in the Speech to which we are to return  
 to Address; it does not appear that the Ministers of *Great*  
*Britain* have once attempted to assist her, or have even for-  
 gotten any Thing which might aggravate her Distress.'

'The



Anno 15. Geo. II.  
1741.



' The only effectual Methods by which any efficacious Relief could have been procured, were that of reconciling her with the King of *Prussia*, or that of prevailing upon the *Russians* to succour Her.

' A Reconciliation with the King of *Prussia* would have been my first Care, if the Honour of advising on this Occasion had fallen to my Lot. To have effected this could surely have been no difficult Task, because each Party could not but know how much it was their common Interest to exclude the *French* from the Empire, and how certainly the untimely Discord must expose them both to their ancient Enemy.

' As in private Life, my Lords, when two Friends carry any Dispute between them to improper Degrees of Resentment, it is the Province of a Third to moderate the Passion of each, and to restore that Harmony which a Difference of Interest or Opinion had impaired; so in Alliances, or the Friendships of Nations, whenever it unhappily falls out that two of them forget the general Good, and lay themselves open to those Evils from which a strict Union only can preserve them, it is necessary that some other Power should interpose, and prevent the Dangers of a perpetual Discord.

' Whether this was attempted, my Lords, I know not; but if any such Design was in Appearance prosecuted, it may be reasonably imagined from the Event, that the Negotiators were defective either in Skill or in Diligence; for how can it be conceived that any Man should act contrary to his own Interest, to whom the State of his Affairs is truly represented?

' But not to suppress what I cannot doubt, I am convinced, my Lords, that there is in Reality no Design of assisting the Queen of *Hungary*; either our Ministers have not yet recovered from their Apprehensions of the exorbitant Power of the House of *Austria*, by which they were frightened some Years ago into the Bosom of *France* for Shelter, and which left them no Expedient but the Treaty of *Hanover* \*; or they are now equally afraid of *France*, and expect the *Pretender* to be forced upon them by the Power whom they so lately solicited to secure them against him.

' Whatever is the Motive of their Conduct, it is evident to my Lords, that they are at present to the unfortunate Queen of *Hungary*, either professed Enemies, or treacherous Allies.

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\* See Lord Carteret's Motion for removing Sir Robert Walpole from his Majesty's Councils and Presence, in TIMBERLAND's History of the House of Lords, Vol. 7. p. 641; and Mr. Sandys's to the same Effect in CHANDLER's History of the Commons, p. 65. In both which the *Hanover Treaty* is alledg'd as one Reason for his Removal.

for the have permitted they Invasion of her *Italian Domini*-As. 19. Geo. R.  
 cas, when they might have prevented it without a Blow,  
 only by intercepting the *Spanish* Transports.' 1741.

'To argue that our Fleet in the *Mediterranean* was not  
 of Strength sufficient to oppose their Passage, is a Subterfuge  
 to which they can only be driven by the Necessity of  
 making some Apology, and an absolute Inability to produce  
 any which will not immediately be discover'd to be  
 groundless.'

'It is known, my Lords, to all *Europe*, that *Haddock*  
 led then under his Command thirteen Ships of the Line,  
 and nine Frigates, and that the *Spanish* Convoy consisted  
 only of three Ships, and yet they failed before his Eyes  
 with a Degree of Security, which nothing could have pro-  
 duced but a Passport from the Court of *Great Britain*, and  
 an assur'd Exemption from the Danger of being attack'd.'

'It may be urged, that they were protected by the  
*French* Squadron, and that *Haddock* durst not attack them,  
 because he was unable to contend with the united Fleets ;  
 but, my Lords, even this is known to be false ; it is known  
 that they bore no Proportion to the Strength of the *British*  
 Squadron, that they could not have made even the Appear-  
 ance of a Battle.'

'This, my Lords, was well known to our Ministers,  
 who were afraid only of destroying the *French* Squadron,  
 and were very far from apprehending any Danger from it ;  
 but being determin'd to purchase, on any Terms, the Con-  
 tinuance of the Friendship of their old Protectors, consented  
 to the Invasion of *Italy*, and procured a Squadron to sail  
 out, under Pretence of defending the *Spanish* Transports,  
 that their Compliance might not be discover'd.'

'All this, my Lords, may reasonably be suspected at the  
 first View of their Proceedings ; for how could an inferior  
 Force venture into the Way of an Enemy unless upon Se-  
 curity of not being attack'd ? But the late Treaty of Neu-  
 trality has chang'd Suspicion into Certainty, has discover'd  
 the Source of all their Measures, and shewn that the Inva-  
 sion of *Italy* is permitted to preserve *Hanover* from the like  
 Calamity.'

'There is great Danger, my Lords, lest this last Treaty  
 of *Hanover* should give the decisive Blow to the Liberties  
 of *Europe* ; how much it embarrasses the Queen of *Hungary*,  
 by making it necessary for her to divide her Forces, is ob-  
 vious at the first View ; but this is not, in my Opinion, its  
 most fatal Consequence. The other Powers will be incited,  
 by the Example of our Ministry, to conclude Treaties of  
 Neutrality in the same Manner. They will distrust every  
 Appearance

AN. 15. Geo. II. Appearance of our Zeal for the House of *Austria*; and imagine that we intend only an hypocritical Assistance, and that our Generals, our Ambassadors, and our Admirals, have in Reality the same Orders.'

1742.

' Nothing, my Lords, is more dangerous than to weaken the publick Faith ; when a Nation can be no longer trusted it loses all its Influence, because none can fear its Menaces, or depend on its Alliance ; a Nation no longer trusted, must stand alone and unsupported ; and it is certain that the Nation which is justly suspected of holding with its open Enemies a secret Intercourse to the Prejudice of its Allies, can be no longer confided in.'

' This Suspicion, my Lords, this hateful, this reproachful Character, is now fixed upon the Court of *Great Britain* ; nor does it take its Rise only from the Forbearance of our Admiral, but has received new Confirmation from the Behaviour of our Ambassador \*, who denied the Treaty of Neutrality, when the *French* Minister declared it to the *Dutch*. Such now, my Lords, is the Reputation of the *British* Court, a Reputation produced by the most flagrant and notorious Instances of Cowardice and Falshood, which cannot but make all our Endeavours ineffectual, and discourage all those Powers whose Conjunction we might have promoted, from entering into any other Engagements than such as we may purchase for stated Subsidies. For who, upon any other Motive than immediate Interest, would form an Alliance with a Power which, upon the first Appearance of Danger, gives up a Confederate, to purchase, not a large Extent of Territory, not a new Field of Commerce, not a Port or a Citadel, but an abject Neutrality !'

' But however mean may be a Supplication for Peace, or however infamous the Desertion of an Ally, I wish, my Lords, that the Liberty of invading the Queen of *Hungary's* Dominions without Opposition, had been the most culpable Concession of our illustrious Ministers, of whom it is reasonable to believe, that they have stipulated with the *Spaniards*, that they shall be repaid the Expence of the War by the Plunder of our Merchants.'

' That our Commerce has been unnecessarily exposed to the Ravages of Privateers, from which a very small Degree of Caution might have preserved it ; that three hundred trading Ships have been taken, and that three thousand *British* Sailors are now in Captivity, is a Consideration too melancholy

\* Mr Trevor, the British Minister at the Hague, upon this Occasion, declar'd to the States, That if such a Treaty of Neutrality for the Electorate of Hanover was agreed on, it was unknown to him.

melancholy to be long dwelt upon, and a Truth too certain to be suppressed or denied.

An. 15. Geo. II.  
1741

How such Havock could have been made, had not our Ships of War concluded a Treaty of Neutrality with the *Spaniards*, and left the War to be carried on only by the Merchants, is not easy to conceive; for surely it will not be pretended that all these Losses were the necessary Consequence of our Situation with regard to *Spain*, which if it exposed the *Portuguese* Traders to Hazard, did not hinder us from guarding our own Coasts.

And yet on our own Coasts, my Lords, have Multitudes of our Ships been taken by the *Spaniards*, they have been seized by petty Vessels as they were entering our Ports, and congratulating themselves upon their Escape from Danger.

In the late War with *France*, an Enemy much more formidable both for Power and Situation, Methods were discovered by which our Trade was more efficaciously protected: By stationing a Squadron at the Mouth of the Channel, of which two or three Ships at a Time cruized at a proper Distance on the neighbouring Seas, the Privateers were kept in Awe and confined to their own Harbours, or seized if they ventured to leave them.

But of such useful Regulations in the present War, there is little Hope; for if the publick Papers are of any Credit, the King of *Spain* considers the Captures of our Merchants as a constant Revenue, and has laid an Indulto upon them as upon other Parts of the *Spanish* Trade.

It is therefore to little Purpose that Measures are proposed in this House, or Schemes presented by the Merchants for the Preservation of our Commerce; for the Merchants are considered as the determined Enemies of our Minister, who therefore resolved that they should repent of the War into which he was forced by them, contrary to those favourite Schemes which he has pursued till the Liberties of *Europe* are almost extinguished.

There are indeed some Hopes, my Lords, that new Measures resolutely pursued might yet repair the Mischiefs of this absurd and cowardly Conduct, and that by proper Resolution the Ambition of *France* might once more be disappointed. The King of *Prussia* appears, at length, convinced that he has not altogether pursued his real Interest, and that his own Family must fall in the Ruin of the House of *Austria*. The King of *Sardinia* appears firm in his Determination to adhere to the Queen of *Hungary*, and has therefore refused a Passage through his Dominions, to the *Spanish* Troops. The States of *Holland* seem to have taken the Alarm, and nothing but their Distrust of our Sincerity can

An. 15 Geo. II. hinder them from uniting against the House of *Bourbon*.  
1741.

- ‘ This Distrust, my Lords, we may probably remove by reviving on this Occasion our ancient Forms of Address, and declaring at once to his Majesty, and to all the Powers of *Europe*, that we are far from approving the late Measures.

‘ There is another Reason why the short Addresses of our Ancestors may be preferred to the modern Forms, in which a great Number of particular Facts are often comprehended. It is evident that the Addresses are presented before there can be Time to examine whether the Facts contained in them are justly stated, and they must therefore lose their Efficacy with the People, who can sufficiently distinguish between servile Compliance and real Approbation, and who will not easily mistake the Incense of Flattery for the Tribute of Gratitude.

‘ With Regard to the Propriety of the Address proposed to your Lordships, which is, like others, only a Repetition of the Speech, there is at least one Objection to it too important to be suppress’d.

‘ It is affirmed in the Speech, \* in what particular Words I cannot exactly remember, “ That since the Death of the “ late Emperor of *Germany*, the Interest of the Queen of “ *Hungary* has been diligently and invariably promoted ! ” An Assertion which his Majesty is too wise, too equitable, and too generous to have uttered, but at the Persuasion of his Ministers.

‘ His Majesty well knows, that no important Assistance has been hitherto given to that unhappy Princess ; he knows that the twelve thousand Men, who are said to have been raised for the Defence of the Empire, those mighty Troops by whose Assistance the Enemies of *Austria* were to be scattered, never march’d beyond the Territories of *Hanover*, nor left that Country for a single Day. And is it probable that the Queen would have preferred Money before Troops, had she not been informed that it would be more easily obtained ?

‘ Nor was even this pecuniary Assistance, though compatible with the Secrecy of *Hanover*, granted her without Reluctance, of which no other Proof is necessary than the Distance between the Promise and the Performance. The Money, my Lords, is not yet all paid, tho’ the last Payment was very lately fixed. Such is the Assistance which the united Influence of Justice and Compassion has yet procured from the Court of *Great Britain*.

‘ Our Ministers have been therefore hitherto, my Lords, so far from acting with Vigour in Favour of the House of *Austria*, that they have never solicited the Court of *Muscovy*, almost the only Court now independent on *France*, to engage

\* See the Speech at large in CHANDLER’s History of the Commons, Vol. 13. p. 21.

engage in her Defence. How wisely that mighty Power distinguishes her real Interest, and how ardently she pursues it, the whole World was convinced in her Alliance with the late Emperor ; nor is it unlikely that she might have been easily persuaded to have protected his Daughter with equal Zeal. But we never asked her Alliance lest we should obtain it, and yet we boast of our good Offices.

‘ Our Ministers thought it more nearly concern’d them to humble our Merchants than to succour our Allies, and therefore admitted the *Spaniards* into *Italy* ; by which they at once gratified the House of *Bourbon*, embarrassed the Queen of *Hungary*, and endangered the Effects of the *British* Merchants, lying at *Leghorn*, Effects which were lately valued at 600,000 *l.* but which by the seasonable Arrival of the *Spaniards* are reduced to half that Value,

‘ I hope therefore I need not urge to your Lordships the Necessity of confining our Address to Thanks and Congratulations, because it is not necessary to say how inconsistent it must be thought with the Dignity of this House, to approve what all *Europe* knows to be false.’

Then the Duke of *Newcastle* † spoke as follows :

D. of Newcastle.

My Lords,

‘ The Manner in which the noble Lord who spoke last expresses his Sentiments, never fails to give Pleasure, even where his Arguments produce no Conviction ; and his Eloquence always recites its own Praise, though it may sometimes be disappointed of its more important Effects.

‘ In the present Debate, my Lords, I have heard no Argument, by which I am inclined to change the usual Forms of Address, or to reject the Motion which has been made to us.’

‘ The Address which has been proposed, is not, in my Opinion, justly chargeable either with Flattery to the Ministers, or with Disingenuity with respect to the People ; nor can I discover in it any of those Positions which have been represented so fallacious and dangerous. It contains only a general Declaration of our Gratitude, and an Assertion of our Zeal ; a Declaration and Assertion to which I hope no Lord in this House will be unwilling to subscribe.

‘ As an Enquiry into the Propriety of this Address has produced, whether necessarily or not, many Observations on the present State of *Europe*, and many Animadversions upon our late Conduct, it cannot be improper for me to offer to your Lordships my Opinion of the Measures which have been pursued by us, as well in the War with *Spain*, as with regard to the Queen of *Hungary*, and to propose my Con-

1741.

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jectures

† One of his Majesty's Principal Secretaries of State.

An. 15. Geo. II

1741

Am. 15. Geo. II.  
1741.

jectures concerning the Events which may probably be produced by the Distractions on the Continent.

‘ This Deviation from the Question before us, will at least be as easily pardoned in me, as in the Noble Lords who have exhibited so gloomy a Representation of our approaching Condition; who have lamented the Slavery to which they imagine all the States of *Europe* to be reduc’d: For surely, my Lords, it is an Endeavour no less laudable to dispel Terror, than to excite it; and he who brings us such Accounts as we desire to receive, is generally listened to with Indulgence.

‘ That the Power of the Family of *Bourbon* is arrived at a very dangerous and formidable Height; that it was never hitherto employed but to disturb the Happiness of the Universe; that the same Schemes which our Ancestors laboured so ardently and so successfully to destroy, are now formed afresh, and intended to be put into immediate Execution; that the Empire is designed to be held henceforward in Dependence on *France*; and that the House of *Austria*, by which the common Rights of Mankind have been so long supported, is now marked out for Destruction, is too evident to be contested.

‘ It is allowed, my Lords, that the Power of the House of *Austria*, which there was once Reason to dread lest it might have been employed against us, is now almost extinguished; and that Name, which has for so many Ages filled the Histories of *Europe*, is in Danger of being forgotten. It is allowed that the House of *Austria* cannot fall without exposing all those, who have hitherto been supported by its Alliance, to the utmost Danger; and I need not add that they ought therefore to assist it with the utmost Expedition, and the most vigorous Measures.

‘ It may be suggested, my Lords, that this Assistance has been already delayed till it is become useless, and that the utmost Expedition will be too slow, and the most vigorous Measures too weak, to stop the Torrent of the Conquests of *France*; that the fatal Blow will be struck before we shall have an Opportunity to ward it off; and that our Regard for the House of *Austria* will be only Compassion for the Dead.

‘ But these, my Lords, I hope, are only the Apprehensions of a Mind overborn with sudden Terrors, and perplex’d with a confus’d Survey of complicated Danger; for, if we consider more distinctly the Powers which may be brought in Opposition to *France*, we shall find no Reason for despairing that we may once more stand up with Success in Defence of our Religion and the Liberty of Mankind.

‘ The

'The Noble Lord has already mentioned the present Disposition of three powerful States \*, as a Motive for vigorous Resolutions, and a Consideration that may at least preserve us from Despair; and 'tis no small Satisfaction to me to observe, that his Penetration and Experience incline him to hope upon the Prospect of Affairs as they now appear; because I doubt not but that Hope will be improved into Confidence, by the Account which I can now give your Lordships of the Intention of another Power, yet more formidable, to engage with us in the great Design of repressing the Insolence of *France*.

An. 15. Geo. H.  
1741.

'A Treaty of Alliance, my Lords, has been for some Time concerted with the Empress of *Russia*, and has been negotiated with such Diligence, that it is now completed; and I doubt not but the last Ratifications will arrive at this Court in a few Days; by which it will appear to your Lordships, that the Interest of this Nation has been vigilantly regarded, and to our Allies, that the Faith of *Great Britain* has never yet been shaken. It will appear to the *French* that they have precipitated their Triumphs; and that, perhaps, they have parcell'd out Kingdoms which they are never likely to possess.

'It was affirmed, and very justly, that Applications ought to be made to this powerful Court as the professed Adversary of *France*; and if it was not hitherto known that their Assistance had been assiduously solicited, our Endeavours were kept secret, only that their Success might be more certain, and that they might surprize more powerfully by their Effects.

'Nor have the two other Princes, which were mentioned by the Noble Lord, been forgotten, whose Concurrence is at this Time so necessary to us; and I doubt not but that the Representations which have been made with all the Force of Truth, and all the Zeal that is awakened by Interest and by Danger, will in Time produce the Effects for which they were intended, by convincing those Princes that they endanger themselves by flattering the *French* Ambition; that they are divesting themselves of that Defence of which they will quickly regret the Loss, and that they are only not attack'd at present, that they may be destroyed more easily hereafter.

'But it is always to be remembred, my Lords, that in publick Transactions as in private Life, Interest acts with less Force, as it is at a greater Distance, and that the immediate Motive will generally prevail: Futurity impairs the



An. 15. Geo. II.

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the Influence of the most important Objects of Consideration. Wherever Imagination can exert its Power, we easily dwell upon the most pleasing Views, and flatter ourselves with those Consequences, which tho' perhaps least to be expected, are most desired; wherever different Events may arise, which is the State of all human Transactions, we naturally promote our Hopes and repress our Fears, and in Time so far deceive ourselves, as to quiet all our Suspicions, and believe what at first we only wished.

' This, my Lords, must be the Delusion by which some States are induced to favour, and others to neglect the Incroachments of *France*; Men are impolitick, as they are wicked, because they prefer the Gratification of the present Hour to the Assurance of solid and permanent, but distant Happiness. The *French* take Advantage of this general Weakness, and by Promises to one Prince, and Grants to another, reconcile them to their Designs. Each finds that he shall gain more by contracting an Alliance with them than with another State, which has no View besides that of preserving to every Sovereign his just Rights, and which therefore, as it plunders none, will have nothing to bestow.

' This, my Lords, is the Disadvantage under which our Negotiators labour against those of *France*; we have no Kingdoms to parcel out among those whose Confederacy we solicit; we can promise them no Superiority above the neighbouring Princes which they do not now possess; we assume not the Province of adjusting the Boundaries of Dominion, or of deciding contested Titles.

' But the *French*, my Lords, oppose us with other Arguments, Arguments which indeed receive their Force from Credulity; but what more powerful Assistance can be desired? They promise not meer negative Advantages, not an Exemption from remote Oppression, which, as it was yet never felt, is little dreaded; they offer an immediate Augmentation of Dominion, and an Extension of Power; they propose new Tracts of Commerce, and open new Sources of Wealth; they invite Confederacies not for Defence, but for Conquests; for Conquests to be divided among the Powers by whose Union they shall be made.

' Let it not therefore be objected, my Lords, to our Ministers, that the *French* obtain more Influence than they; for while such is the Condition of Mankind, that what is desired is easily credited, while present Profit is more powerful than future Safety, the *French* Eloquence will frequently prevail.

' Whether, my Lords, our seeming Want of Success in the War with *Spain* admits of as easy a Solution, my Degree

or Knowledge of military Affairs, does not enable me to determine. An Account of this Part of our Conduct is to be expected from the Commissioners of the Admiralty, by whom I doubt not, but such Reasons will be assigned for all the Operations of our Naval Forces, and such Vindications offered of all those Measures, which have been hitherto imputed too precipitately to Negligence, Cowardice, or Treachery, as will satisfy those who have been most vehement in their Censures.

An. 15. Geo. II.  
1741.

‘ But because it does not seem to me very difficult to apologize for those Miscarriages which have occasioned the loudest Complaints, I will lay before your Lordships what I have been able to collect from Inquiry or Observation, and doubt not but it will easily appear, that nothing has been omitted from any apparent Design of betraying our Country, and that our Ministers will deserve, at least, to be heard before they are condemned.

‘ That great Numbers of our trading Vessels have been seiz’d by the *Spaniards*, and that our Commerce has therefore been very much interrupted, is sufficiently manifest ; but to me, my Lords, this appears one of the certain and necessary Consequences of War, which are always to be expected, and to be set in our Consultations against the Advantages which we propose to obtain. It is as rational to expect that of an Army sent against our Enemies every Man should return unhurt, as that every Merchant should see his Ship and Cargo safe into Port.

‘ If we examine, my Lords, the late War, of which the Conduct has been so lavishly applauded, and which has been proposed to the Imitation of all future Ministers, it will appear that our Losses of the same kind were then very frequent, and perhaps not less complained of, though the Murmurs are now forgotten, and the Acclamations transmitted to Posterity, because we naturally relate what has given us Satisfaction, and suppress what we cannot recollect without Uneasiness.

‘ If we look farther backward, my Lords, and enquire into the Event of any other War in which we engaged since Commerce has constituted so large a Part of the Interest of this Nation, I doubt not but in Proportion to our Trade will be found our Losses ; and in all future Wars, as in the present, I shall expect the same Calamities and the same Complaints. For the Escape of any Number of Ships raises no Transport, nor produces any Gratitude ; but the Loss of a few will always give Occasion to Clamour and Discontent.

‘ Nor do I see how it is possible to employ our Power more effectually for the Protection of our Trade than by the  
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An. 15. Geo. II.  
1741.

Method now pursued of covering the Ocean with our Fleets, and stationing our Ships of War in every Place where Danger can be apprehended. If it be urged that the Inefficacy of our Measures is a sufficient Proof of their Impropriety, it will be proper to substitute another Plan of Operation, of which the Success may be more probable. To me, my Lords, the Loss of some of our mercantile Vessels shews only the vast Extent of our Commerce.

‘ The Disposition of our Squadrons has been such as was doubtless dictated by proper Care and Experience. The Squadron appointed to guard our Coasts has been ridiculed as an useless Expence ; and its frequent Excursions and Returns without any memorable Attempt, have given Occasion to endless Railery. \* But it is to be considered, my Lords, that the Enemies of this Nation, either secret or declared, had powerful Squadrons in many Ports of the *Mediterranean*, which, had they known that our Coasts were without Defence, might have issued out on a sudden, and have appeared unexpectedly in our Channel.

‘ Out of this Squadron, however necessary, there was yet a Reinforcement of five Ships ordered to assist *Haddock*, that he might be enabled to oppose the Designs of the *Spaniards* though assisted by their *French* Confederates, whom it is known that he was so far from favouring, that he was stationed before *Barcelona* to prevent them. Why he departed from that Port, and upon what Motives of Policy, or of War, he suffered the *Spaniards* to prosecute their Scheme, he only is able to inform us.

‘ That the *Spaniards* have not at least been spared by Design, is evident from their Sufferings in this War, which have been much greater than ours. Many of our Ships have indeed been snatch’d up by private Adventurers. But as none of our Ships have been denied Convoys, I know not how the Loss of them can be imputed to the Ministry ; and if any of those who sailed under the Protection of Ships of War have been lost, the Commanders may be required to vindicate themselves from the Charge of Negligence or Treachery.

‘ But this Enquiry, my Lords, must be, in my Opinion, reserved for another Day ; when it may become the immediate Subject of our Consultations, with which it has at present no Coherence, or to which at least it is very remotely related. For I am not able, upon the most impartial and the most attentive Considerations of the Address now proposed to your Lordships, to perceive any Necessity of a previous Enquiry into the Conduct of the War, the Direction of our

Negotiations

\* The Squadron commanded by Sir John Norris.

Negotiations, or the State of the Kingdom, in order to our Compliance with this Motion, by which we shall be far from sheltering any Crime from Punishment, or any doubtful Conduct from Enquiry ; far from obstructing the Course of National Justice, or approving what we do not understand.

An. 15. Geo. II.  
1741.

The chief Tendency of his Majesty's Speech is to ask our Advice on this extraordinary Conjunction of Affairs, a Conduct undoubtedly worthy of a *British* Monarch, and which we ought not to requite with Disrespect ; but what less can be inferred from an Alteration of our establish'd Forms of Address, by an Omission of any Part of the Speech ? For what will be imagined by his Majesty, by the Nation, and by the whole World, but that we did not approve what we did not answer ?

The Duke of Argyll spoke next :

*My Lords,*

D. of Argyll,

It is with great Reason that the present Time has been represented to us from the Throne as a Time of uncommon Danger and Disturbance ; a Time in which the Barriers of Kingdoms are broken down in Contempt of every Law of Heaven and of Earth, and in which Ambition, Rapine, and Oppression seem to be let loose upon Mankind ; a Time in which some Nations send out Armies and invade the Territories of their Neighbours, in Opposition to the most solemn Treaties, of which others, with equal Perfidy, silently suffer or secretly favour the Violation.

At a Time like this, when Treaties are considered only as momentary Expedients, and Alliances carry no Security ; it is evident that the Preservation of our Rights, our Interests, and our Commerce, must depend only on our natural Strength, instead of cultivating the Friendship of foreign Powers, which we must purchase upon disadvantageous Conditions, and which will be withdrawn from us whenever we shall need it ; we ought therefore to collect our own Force, and shew the World how little we stand in Need of Assistance, and how little we have to fear from the most powerful Enemies.

Our Country, my Lords, seems designed by Nature to exist without any Dependence on other Nations ; and by a steady and resolute Improvement of these Advantages, with which Providence has blessed it, may bid Defiance to Mankind ; it might become, by the Extension of our Commerce, the general Center at which the Wealth of the whole Earth might be collected together, and from whence it might be diffused upon proper Occasions, for the Diffusion of Liberty, the Repression of Insolence, and the Preservation of Peace.

But

An. 15. Geo. II.

1741



‘ But this Influence, my Lords, must arise from domestick Felicity ; and that can only be produced by a mutual Confidence between the Government and the People : Where the Governors distrust the Affections of their Subjects, they will not be very solicitous to advance their Happiness ; for who will endeavour to encrease that Wealth which will, as he believes, be employ’d against him ? Nor will the Subjects chearfully concur even with the necessary Measures of their Governors, whose general Designs they conceive to be contrary to the publick Interest ; because any temporary Success or accidental Reputation, will only dazzle the Eyes of the Multitude while their Liberties are undermin’d.

‘ This Confidence, my Lords, must be promoted where it exists, and regained where it is lost, by impartial Inquiries into publick Tranfactions ; by the Advancement of those whose Wisdom or Bravery has increased the publick Reputation and Happiness of the Nation ; and by Censuring those, who, by their Unskilfulness or Dishonour, have either embarrass’d their Country or betray’d it.

‘ For this Reason, my Lords, it is in my Opinion necessary to gratify the Nation, at the present Juncture, with a Prospect of those Measures, without which no People can reasonably be satisfy’d ; and to pacify their Resentment of past Injuries, and quiet their Apprehensions of future Miseries, by a Possibility at least that they may see the Authors of all our Miscarriages called to a Trial in open Day ; and the Merit of those Men acknowledged and rewarded, by whose Resolution and Integrity they imagine that the final Ruin of themselves and Posterity has been hitherto prevented.

‘ That the present Discontent of the *British* Nation is almost universal ; that Suspicion has infused itself into every Rank and Denomination of Men ; that Complaints of the Neglect of our Commerce, the Misapplication of our Treasure, and the ill Success of our Arms, are to be heard from every Mouth, and in every Place, where Men dare utter their Sentiments, I suppose, my Lords, no Man will deny ; for whoever should stand up in Opposition to the Truth of a Fact so generally known, would distinguish himself, even in this Age of Effrontery and Corruption, by a Contempt of Reputation, not yet known amongst Mankind.

‘ And indeed, my Lords, it must be confessed that these Discontents and Clamours are produced by such an Appearance of Folly, or Treachery, as few Ages or Nations have ever known ; by such an obstinate Perseverance in bad Measures, as Shame has hitherto prevented in those upon whom nobler Motives, Fidelity to their Trust, and Love of their Country, had lost their Influence.

‘ Other

‘ Other Ministers, when they have formed Designs of sacrificing the publick Interest to their own, have been criminal only as they hoped for Secrecy, and have vindicated their Conduct no longer than while they had Hopes that their Apologies might deceive.

Ann. 15. Geo. II.  
1741.

‘ But our heroick Ministers, my Lords, have set themselves free from the Necessity of supporting their Measures by laborious Deductions or artful Reasonings ; they defy the Publick when they can no longer deceive it, and prosecute, in the Face of the Sun, those Measures which they have not been able to support, and of which the fatal Consequences are foreseen by the whole Nation.

‘ When they have been detected in one Absurdity, they take Shelter in another ; when Experience has shewn that one of their Attempts was design’d only to injure the Nation, they propose a second of the same kind with equal Confidence, boast again of their Integrity, and again require the Concurrence of the Legislature, and the Support of the People.

‘ When they had for a long Time suffer’d our Trading Vessels to be seized in Sight of our own Ports ; when they had dispatched Fleets to the *Mediterranean*, only to lie exposed to the Injuries of the Weather ; and to sail from one Coast to another, only to shew that they had no hostile Intentions ; that they were fitted out by the Friends of the *Spaniards*, only to amuse and exhaust the Nation ; they at length thought it necessary to lull the Impatience of the People, who began to discover that they had hitherto been harrass’d with Taxes and Impresses to no Purpose, by the Appearance of a new Effort for the Reduction of *Spain* ; and to divert, by the Expectations which an Army and Fleet naturally raise, any Clamours at their past Conduct.

‘ For this End, they projected an Expedition into the *West Indies*, for which they raised Forces and Transports with Preparation enough for the Conquest of half the Continent ; not so much to alarm the *Spaniards*, which I conceive but a secondary View, as to fill the People of *Great Britain* with amusing Prospects of great Achievements, of the Addition of New Dominions to this Kingdom, and an ample Reparation for all their Damages.

‘ Thus provided with Forces sufficient in Appearance for this mighty Enterprize, they embarked them after many Delays, and dismissed them to their Fate, having first disposed their Regulations in such a Manner that it was impossible they should meet with Success.

‘ I can call your Lordships to witness that this Impossibility was not discovered by me after the Event, for I fore-  
told

An. 15. Geo. II. told in this House that their Designs so conducted must evidently miscarry \*.

1741.

‘ Nor was this Prediction, my Lords, the Effect of any uncommon Penetration, to which I have not the Vanity to pretend ; for it was sufficiently plain, that our Forces must be repulsed, to any Man who has had Opportunities of observing that Knowledge in War is necessary to Success, and that Experience is the Foundation of Knowledge.

‘ The Forces sent into the *West Indies*, my Lords, were newly raised, placed under the Direction of Officers not less ignorant than themselves, and commanded by one, who however laudably he might have discharg’d the Duty of a Captain, was wholly unacquainted with the Province of a General.

‘ Yet was this Man, my Lords, preferred, not only to a Multitude of other Officers, to whom Experience must have been small Advantage if it did not furnish them with Knowledge far superior to his, but to five and forty Generals, of whom, I hope, the Nation has no Reason to suspect that any of them would not gladly have served it on an Occasion of so great Importance, and willingly have conducted an Expedition intended to retrieve the Honour of *Great Britain*, the Terror of our Arms, and the Security of our Commerce.

‘ When raw Troops, with young Officers, are to act under the Command of a General as unskilful as themselves, what is it reasonable to expect, but what has happened, Overthrow, Slaughter, and Ignominy ? What but that cheap Victories shall heighten the Insolence, and harden the Obstinacy of our Enemies, and that we shall not only be weaken’d by our Loss, but dispirited by our Disgrace ; by the Disgrace of being overthrown by those whom we have despised, and with whom nothing but our own Folly could have reduced us to a Level.

‘ The other Conjectures which I ventured to propose to your Lordships, with regard to the Queen of *Hungary*, was not founded on Facts equally evident with the former, tho’ Experience has discovered that it was equally true. It was then asserted both by other Lords, and by myself, that Money would be chosen by that Princess as an Assistance more useful than Forces ; an Opinion which the Lords who are engaged in the Administration vigorously opposed. In consequence of their Determination, Forces were hired, for what Purpose it is now proper for them to declare, since none have yet known but themselves.

‘ That

\* See his Grace’s Speech on the Method of augmenting the Army, in *TIMBERLAND’S History of the House of Lords*, Vol. 7. p. 609, and also upon the State of the Nation in the Appendix, p. lxx.

‘ That at least they were not taken into our Pay for the Service for which they were required, the Succour of the House of *Austria*, is most evident, unless the Name of *Armies* is imagined sufficient to intimidate the *French*, as the *Spaniards* are to be subdued by the Sight of Fleets. They never marched towards her Frontiers, never opposed her Enemies, or afforded her the least Assistance, but stood idle and unconcerned in the Territories of *Hanover*; nor was it known that they existed by any other Proof, than that Remittances were made for their Pay.

An. 15. Geo. II.  
1741.

‘ Such, my Lords, was the Assistance asked with so much Solitude, and levied with so much Expedition, for the Queen of *Hungary*; such were the Effects of the Zeal of our illustrious Ministers for the Preservation of that august House, to whose Alliance we are, perhaps, indebted for the Preservation of our Religion and our Liberties, and to which all *Europe* must have Recourse for Shelter from the Oppression of *France*.

‘ When this formidable Body of Men was assembled, my Lords, and reviewed, they were perhaps found too graceful and too well sorted to be exposed to the Dangers of a Battle; and the same Tenderness that has so long preserved our own Forces from any other Fire than the Park, might rescue them from the Fatigues of accompanying the *Hussars* in their IncurSIONS, or the *Austrians* in Battle.

‘ Whatever was the Reason, my Lords, it is certain that they have been reserved for other Opportunities of signifying their Courage; and they slept in quiet, and fattened upon the Wealth of *Great-Britain*, while the Enemies of our unfortunate Ally over-ran her Territories without Opposition, marched through them uninterrupted, and rather took Possession than made Conquests.

‘ That in this Condition of her Affairs, the Queen would refuse an Offer of 12,000 Men; that when she was driven from one Country to another, with scarcely an Army sufficient to form a flying Camp, she would not gladly have accepted a Reinforcement so powerful; let those believe, my Lords, who have yet never been deceived by Ministerial Faith!

The Real Designs of the Ministry, my Lords, are sufficiently obvious; nor is any Thing more certain, than that they had, in raising this mock Assistance for the Queen of *Hungary*, no other Design than that of raising her Expectations only to deceive them, and to divert her by Confidence in their Preparations, from having Recourse to more efficacious Expedients, that she might become, without Resistance, the Slave of *France*.

‘ For



An. 15. Geo. II  
1741.

‘ For this Purpose they determined to succour her with Forces rather than with Money, because many Reasons might be pretended, by which the March of the Forces might be retarded, but the Money when granted must have been more speedily remitted, and it was likewise easy to detain the Troops in another Place.

‘ At last the Queen weary with Delays, and undoubtedly sufficiently informed of those Designs, which though now generally discovered are confidently denied, desired a Supply of Money, which might be granted without leaving *Hanover* exposed to an Invasion. With this Demand, which they had no Pretence to deny, they have yet found Expedients to delay their Compliance ; for it does not appear that the whole Sum granted has yet been paid, and it would well become those noble Lords, whose Offices give them an Opportunity of observing the Distribution of the publick Money, to justify themselves from the Suspicions of the Nation, by declaring publicly what has been remitted, and what yet remains to be disbursed for some other Purpose.

‘ Is it not therefore evident, my Lords, that by promising Assistance to this unhappy Princess, the Ministry intended to deceive her ? That when they flatter’d her with the Approach of Auxiliary Forces, they design’d only to station them where they might garrison the Frontiers of *Hanover* ? And that when they forced her to solicit for an Aid of Money, they delayed the Payment of the Subsidy, that it might not be received till it could produce no Effect ?

‘ This, my Lords, is not only evident from the manifest Absurdity of their Conduct upon any other Supposition, but from the general Scheme which has always been pursued by the Man whose Dictatorial Commands regulate the Opinions of all those that constitute the Ministry ; and of whom it is well known, that it has been the great Purpose of his Life to aggrandize *France*, by applying to her for Assistance in imaginary Distresses from fictitious Confederacies, and by sacrificing to her in Return the House of *Austria* and the Commerce of *Great Britain*.

‘ How then, my Lords, can it be asserted by us, that the House of *Austria* has been vigorously supported ? How can we approve Measures of which we discover no Effect but the Expence to the Nation ? A double Expence, produced first by raising Troops, which though granted for the Assistance of the *Austrians*, have been made Use of only for the Protection of *Hanover*, and by the Grant of Money in the Place of these Troops which were thus fallaciously obtained, and thus unprofitably employed !

‘ For

For what Purpose these Forces were in reality raised I suppose no Man can be ignorant, and no Man to whom it is known can possibly approve it. How then, my Lords, can we concur in an Address by which the People must be persuaded, that we either are deceived ourselves, or endeavour to impose upon them ; that we either dare not condemn any Measures, however destructive, or that at least we are in haste to approve them, lest Inquiry should discover their Tendency too plainly to leave us the Power of applauding them, without an open Declaration of our own Impotence, or Disregard for the Welfare of the Publick.

The Complaints of the People are already clamorous, and their Discontent open and universal ; and sure the Voice of the People ought at least to awaken us to an Examination of their Condition. And tho' we should not immediately condemn those whom they censure as the Authors of their Miseries, we ought at least to pay so much Regard to the Accusation of the whole Community, as not to reject it without Inquiry, or as a Suspicion merely chimerical.

Whether these Complaints and Suspicions, my Lords, proceed from real Injuries and imminent Dangers, or from false Accusations and groundless Terrors, they equally deserve the Attention of this House, whose great Care is the Happiness of the People, People equally worthy of your Tenderness and Regard, whether they are betrayed by one Party or another ; whether they are plundered by the Advocates of the Administration, under Pretence of supporting the Government, or frightened by unreasonable Clamours by the Opponents of the Court, under the specious Appearance of protecting Liberty. The People, my Lords, are in either Case equally miserable, and deserve equally to be rescued from Distress.

By what Method, my Lords, can this be effected, but by some publick Assurance from this House, that the Transactions of the Nation shall no longer be concealed in impenetrable Secrecy ; that Measures shall be no longer approv'd without Examination ; that publick Evils shall be traced to their Causes ; and that Disgrace which they have hitherto brought upon the Publick, shall fall, for the future, only upon the Authors of them ?

Of giving this Assurance, and of quieting by it the Clamours of the People ; Clamours which, whether just or not, are too formidable to be slighted, and too loud not to be heard, we have now the most proper Opportunity before us. The Address which the Practice of our Ancestors requires us to make to his Majesty, may give us Occasion of expressing at once our Loyalty to the Crown, and our Fidelity

**Ans. 15. Geo. II.** lity to our Country, our Zeal for the Honour of our Sovereign, and our Regard for the Happiness of the People.

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For this Purpose it is necessary that, as we preserve the Practice of our Ancestors in one Respect, we revive it in another; that we imitate them in just Freedom of Language, whom we follow in the decent Forms of Ceremony; and show, that as we preserve, like them, a due Sense of the Regal Dignity, so like them we know likewise how to preserve our own; and despise Flattery on one Side, as we decline Rudeness on the other.

A Practice, my Lords, has prevail'd of late, which cannot but be allowed pernicious to the Publick, and derogatory to the Honour of this House; a Practice of retaining in our Address the Words of the Speech, and of following it servilely from Period to Period, as if it were expected that we should always adopt the Sentiments of the Court; as if we were not summon'd to advise but to approve, and to approve without Examination.

By such Addresses, my Lords, all Inquiries may be easily precluded; for the Minister, by whom the Speech is compiled, may easily introduce the most criminal Transactions in such a Manner, as that they may obtain the Approbation of this House: This he may plead afterwards at our Bar, when he shall be called before it; and either involve us in the Disgrace of Inconsistency, and expose us to general Contempt, or be acquitted by our former Suffrages, which it would be reproachful to retract, and yet criminal to confirm.

It is not necessary, my Lords, on this Occasion to observe, what all Parties have long since acknowledged when it did not promote their Interest to deny it, that every Speech from the Throne is to be considered as the Work of the Minister, because it is generally written by him; or if composed by the King himself, must be drawn up in pursuance of the Information and Counsel of the Ministry, to whom it is therefore ultimately to be referred, and may consequently be examined without any Failure of Respect to the Person of the Prince.

This ought however to be observed, my Lords, that it may appear more plainly how certainly the Practice may be imputed to the Artifices of the Ministers, since it does not promote the Honour of the Prince, and manifestly obstructs the Interest of the People; since it is a Practice irrational in itself, because it is inconsistent with the great Purpose of this House, and can therefore serve no other than that of procuring Indemnity to the Ministers, by placing them out of the Reach of future Animadversion.

Let

' Let not, my Lords, the uninterrupted Continuance of An. 15. Geo. II  
 this Practice for some Reigns be pleaded in its Defence ; for  
 nothing is more worthy of the Dignity of this House, than  
 to prevent the Multiplication of dangerous Precedents. That  
 Custom manifestly injurious to the Publick has continued  
 long, is the strongest Reason for breaking it, because it ac-  
 quires every Year new Authority and greater Veneration.  
 When a Nation is alarmed and distracted, a Custom of  
 twenty Years is not to be infringed, it may in twenty Years  
 more be so firmly established, that many may think it ne-  
 cessary to be supported, even when those Calamities are  
 uncontestably felt, which perhaps now are only fear'd.

' I shall therefore, my Lords, propose that, of the Ad-  
 dress mov'd for, all be left out but the first Paragraph : It  
 will then be more consistent with the Honour of your Lord-  
 ships, with our Regard for the People, and with our Duty  
 to the Crown ; and to this I hope no Lord will refuse his  
 Concurrence.

Lord Hardwick \* rose next, and spoke as follows :

*My Lords*

' Upon an attentive Consideration of the Address now  
 proposed, I am not able to discover any Objections which  
 can justly hinder the unanimous Concurrence of this House ;  
 since there is not any Proposition contained in it either dan-  
 gerous or uncertain.

' The Noble Lords, who have oppos'd this Motion with  
 the utmost Vehemence, are far from denying what is asserted  
 in it ; they readily grant that Designs are concerted by  
 many formidable Powers against the House of *Austria*, and  
 that the Consequences of the Ruin of that Family must ex-  
 tend to the utmost Parts of *Europe*, and endanger the Li-  
 berties of *Great-Britain* itself ; that the Power of *France*  
 will then be without a Rival, and that she may afterwards  
 gratify her Ambition without Fear and without Danger.

' Nor is it, my Lords, less obvious in itself, or less ge-  
 nerally allowed, that this is a Time which demands the  
 most active Vigour, the most invariable Unanimity, and the  
 most diligent Dispatch ; that nothing can interrupt the Course  
 of our common Enemies but the most resolute Opposition ;  
 and that upon our Conduct at this great Conjunction may  
 probably depend the Happiness and Liberty of Ourselves,  
 our Allies, and our Posterity.

' All this, my Lords, is allowed to be indisputably true ;  
 I am therefore at a Loss to conceive what can be the Oc-  
 casion of this Debate. As the Causes of the Calamities

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which

\* Lord High Chancellor of Great Britain.

An. 15. Geo. II. which are said to threaten us are not assigned in the Address, we shall leave ourselves at full Liberty to charge them upon those who shall appear, from future Enquiries, to deserve so heavy an Accusation.

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‘ If the Ministers have by any Inconstancy in their Measures, or Folly in their Negotiations, given an Opportunity to the Enemies of *Europe* to extend their Influence, or endangered either our own Interest, or that of our Allies ; if they have by Oppression or Negligence alienated from his Majesty the Affections of his People, or the Confidence of his Confederates, nothing that is contained in the Address now before us can be produced by them in Justification of their Conduct, or secure them from Accusation, Censure, and Punishment.

‘ If the War, my Lords, has been hitherto carried on with clandestine Stipulations, or treacherous Compacts, if our Admirals have received Orders to retire from the Coast of *Spain*, only to give our Enemies an Opportunity of invading the Dominions of the Queen of *Hungary*, or have without Directions deserted their Stations, and abandoned the Protection of our Commerce and our Colonies ; we shall, notwithstanding the Address, retain in our Hands, the Privilege of enquiring into their Conduct, and the Power, if it be found criminal, of inflicting such Penalties as Justice shall require.

‘ I know not therefore, my Lord, upon what Motives the Debate is continued, nor what Objections they are which hinder our Unanimity at a Time when all trifling Controversies ought to be forgot, and all nominal Distinctions laid aside ; at a Time when general Danger may justly claim general Attention, and we ought to suspend our particular Opinions, and the Prosecution of our separate Interests, and regard only the Opposition of *France*, the Support of our Allies, and the Preservation of our Country.

‘ The noble Lords, who have offered their Sentiments on this Occasion, have very diffusely expatiated on the Miseries that hang over us ; and have with uncommon Acuteness traced them all to one Source, the Weakness or Dishonesty of the *British* Ministry.

‘ For my Part, my Lords, though perhaps, I believe that many Circumstances of the present Distress are to be imputed to Accidents which could not be foreseen ; and that the Conduct of the Ministry, however sometimes disappointed of the Effects intended by it, was yet prudent and sincere, I shall at present forbear to engage in their Defence ; because the Discussion of a Question so complicated must necessarily require much Time, and because I think it not so useful

useful to enquire how we were involved in our present Difficulties, as by what Means we may be extricated from them.

‘ The Method by which every State is enabled to exert their Strength with Efficacy, is the abolishing Suspensions by which the People may be incited to a Distrust of their Sovereign, or the Sovereign provoked to a Disregard of his People. With this View, my Lords, all Addresses ought to be drawn up, and this Consideration will be sufficient to restrain us from any Innovations at a Time like this.

‘ If it should be granted, my Lords, that the ancient Method were better adapted to the general Intention of Addresses, more correspondent to the Dignity of this House, and liable to fewer Inconveniences than that which later Times have introduced, yet it will not follow that we can now safely change it.

‘ Nothing in the whole Doctrine of Politics is better known, than that there are Times when the Redress of Grievances inveterate and customary is not to be attempted; Times when the utmost Care is barely sufficient to avert extreme Calamities, and prevent a total Dissolution; and in which the Consideration of lighter Evils must not be suffered to interrupt more important Councils, or divert that Attention which the Preservation of the State necessarily demands.

‘ Such, my Lords, is the present Time even by the Confession of those who have opposed the Motion; and of whom therefore it may reasonably be demanded, Why they waste these important Hours, in Debates upon Forms and Ceremonies?

‘ That the Danger is pressing, and that it requires Expedition and Unanimity, they willingly grant, and what more is asserted in the Address?

‘ That any Lord should be unwilling to concur in the customary Expressions of Thankfulness and Duty to his Majesty, or in Acknowledgement of that Regard for this House with which he asks our Assistance and Advice, I am unwilling to suspect; nor can I imagine that any Part of the Opposition to this Proposal can be produced by Unwillingness to comply with his Majesty's Demands, and to promise that Advice and Assistance, which it is our Duty both to our Sovereign, our Country, and ourselves, to offer,

‘ That those, my Lords, who have expressed in Terms so full of Indignation their Resentment of the imaginary Neglect of the Queen of *Hungary's* Interest, have declared the House of *Austria* the only Bulwark of *Europe*; and expressed their Dread of the Encroachments of *France*, with Emotions which nothing but real Passion can produce, should be unwilling

Ann. 15. Geo. II. unwilling to assert their Resolution of adhering to the *Pragmatic Sanction*, and of defending the Liberties of the Empire, cannot be supposed !

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‘ And yet, my Lords, what other Reasons of their Conduct can be assigned either by his Majesty, or the People, or the Allies of *Great-Britain* ; those Allies whose Claim they so warmly assert, and whose Merits they so loudly extol ? Will it not be imagin’d in foreign Courts, that the Measures now recommended by the King are thought inconsistent with the Interest of the Nation ? Will it not be readily believed, that we propose to lay aside those Designs of which we can not be persuaded to declare our Approbation ?

‘ What will be the Consequence of such an Opinion artfully propagated by *France*, and confirmed by Appearances so likely to deceive, may easily be foreseen. The *French* will prosecute their Schemes afresh, when they dread no longer any Interruption from the only Nation able to resist them ; and it is well known, my Lords, how often Confidence by exciting Courage produces Success.

‘ Nor indeed can the Success of their Endeavours thus animated be easily doubted, since the same Appearances that encourage them will intimidate their Enemies. Our Allies will then think no longer of a Union against the general Enemy ; they must imagine their united Force insufficient, and the only Emulation against them will quickly be, which shall first offer his Liberty to Sale, who shall first pay his Court to the Masters of *Europe*, and merit Mercy by a speedy Submission.

‘ Thus, my Lords, will the House of *Austria*, that House so faithful to *Great-Britain*, and so steady in its Opposition to the Designs of the *French* Ambition, be finally sunk in irrecoverable Ruin by those who appear to please themselves with Declamations in its Praise, and Resolutions for its Defence ; and who never speak of the *French* without Detestation.

‘ If on this Occasion, my Lords, we should give any Suspicion of unusual Discontent, what could be concluded, but that we are unwilling any longer to embarrass ourselves with remote Considerations, to load this Nation with Taxes for the Preservation of the Rights of our Sovereign, and to hazard Armies in the Defence of the Continent ? What can our Allies think, but that we are at present weary of the expensive Honour of holding the Ballance of Power in our Hands, are content to resign it to the Arbiters of *Europe*, and propose to confine our Care henceforward to our own immediate Interest.

‘ That

‘ That this is the real Design of any of those noble-Lords who have opposed the Motion, I do not intend to insinuate ; for I doubt not but they believe the general Interest both of this Nation and its Allies, most likely to be promoted by the Method of Address which they recommended ; since they declare that they do not think our State desperate, and confess the Importance of the Affairs on which we are required by his Majesty to deliberate, to be such, that nothing ought to repress our Endeavours but Impossibility of Success.

An. 15. Geo. II.  
1741.

‘ Such is the Knowledge and Experience of those noble Lords, that the Hopes which I had formed of seeing the destructive Attempts of the *French* once more defeated, and Power restored again to that Equipoise which is necessary to the Continuance of Tranquility and Happiness, have received new Strength from their Concurrence, and I shall now hear with less Sollicitude the Threats of *France*.

‘ That the *French*, my Lords, are not invincible, the noble Duke who spoke last has often experienced, nor is there any Reason for imagining that they are now more formidable, than when we encountered them in the Fields of *Blenheim* and *Ramillies*. Nothing is requisite but a firm Union among those Princes, who are immediately in Danger from their Encroachments, to reduce them to withdraw their Forces, and quit, for the Defence of their own Territories, their Schemes of bestowing Empires and dividing Dominions.

‘ That such an Union is now cultivated we have been informed by his Majesty, whose Endeavours will probably be successful, however they may at first be thwarted and obstructed ; because the near Approach of Danger will rouse those whom Avarice has stupified or Negligence intoxicated.

‘ When therefore, my Lords, we are engaged in Consultations, which may affect the Liberties of a great Part of Mankind, and by which our Posterity to many Ages may be made happy or miserable ; when the daily Progress of our Enemies ought to awaken us to Vigilance and Expedition, and there are yet just Hopes that Diligence and Firmness may preserve us from Ruin, let us not waste our Time in unnecessary Debates, and keep the Nations of *Europe* in Suspense by the Discussion of a Question, the Decision of which may be delayed for Years, without any manifest Inconvenience. Let us not embarrass his Majesty by an unusual Form of Address, at a Time when he is negotiating Alliances and forming Plans for the Rescue of the Empire.

‘ Nothing, my Lords, is more remote from the real End of Addresses than a Representation of them as made only to the Minister ; for if there be any Commerce between a Prince



Ap. 15. Oct. II.  
1741.

D. of Argyle.

and his Subjects in which he is the immediate Agent, if his personal Dignity be interested in any Act of Government, I think it is not to be denied that in receiving the Addresses of the two Houses he assumes a peculiar and distinct Character, which cannot be confounded with his Counsel or Ministry.

To this the Duke of *Argyle* replied :

*My Lords,*

‘ If there was now any Contest amongst us, for Superiority of Regard to his Majesty, of Zeal for his Honour, or Reverence of his Person, I should not doubt of proving that no Lord of this House can boast of more Fidelity, or Respect than my self ; and if the chief Question now amongst us related to the Terms in which he deserves to be addressed by us, I should be unwilling that any Man should propose Language more submissive than myself.

‘ But Addresses, however they may for present Purposes be represented regarding the Personal Character of the King, are in reality nothing more than Replies to a Speech composed by the Minister ; whose Measures, if we should appear to commend, our Panegyrick may, in some future Proceedings, be cited against us. Every Address therefore ought to be considered as a publick Record, and to be drawn up to inform the Nation, not to mislead our Sovereign.

‘ The Address now proposed is indeed equally indefensible, to whomsoever it may be supposed to relate. If it respects the People, it can only drive them to Despair ; if it be confined to the Sovereign, our Advice not our Panegyrick is now required ; and *Europe* is to be preserved from Ruin, not by our Eloquence but our Sincerity. Respect to his Majesty, my Lords, will be best shewn by preserving his Influence in other Nations, and his Authority in his own Kingdom. This can only be done by shewing him how the one has been impair’d, and how the other may be in Time endanger’d.

‘ By Addresses like this which is now proposed, my Lords, has his Majesty been betrayed into an inadvertent Approbation of Measures pernicious to the Nation, and dishonourable to himself ; and will now be kept ignorant of the despicable Conduct of the War, the treacherous Connivance at the Descent of the *Spaniards* upon the Dominions of the Queen of *Hungary*, and the Contempt with which every Nation of the Continent heard of the Neutrality lately concluded. By Addresses like this, my Lords, have the Rights of the Nation been silently given up, and the Invaders of Liberty, and Violators of our Laws preserved from Prosecution ;

tion ; by such Addresses have our Monarchs been ruined at one Time , and our Country enslaved at another.

An. 25. Geo. II.

1747.

His Grace was answer'd by Lord Harrington \* to the following Effect :

*My Lords,*

' I think it necessary to explain that Treaty of Neutrality, which has been mentioned by some Lords as an Act to the last Degree shameful ; an Act by which the Nation has been dishonoured, and the general Liberties of *Europe* have been betrayed ; a Representation so distant from the Truth that it can only be imputed to Want of Information.

' This Treaty of Neutrality, my Lords, is so far from being reproachful to this Nation, that it has no Relation to it, being made by his Majesty not in the Character of King of *Great Britain*, but Elector of *Hanover* ; nor is any Thing stipulated by it but the Security of the Dominions of *Hanover* from the Invasion of the *French* for a single Year.

' What Part of this Transaction, my Lords, can be supposed to fall under the Cognizance of this House ? Or with what Propriety can it be mentioned in our Debates, or produce an Argument on either Side ? That the Dominions of *Great Britain* and *Hanover* are distinct and independent on each other, has been often asserted, and asserted with Truth ; and I hope those who so studiously separate their Interest on all other Occasions, will not now unite them only to reflect on the Conduct of his Majesty.

' I do not indeed charge any Lord with a Design so malignant and unjust, having already asserted it as my Opinion, that these Reproaches were produced only by Ignorance of the true State of the Affair, but cannot with equal Readiness allow that Ignorance to be wholly blameless.

' It is necessary, my Lords, in common Life, to every Man who would avoid Contempt and Ridicule, to refrain from speaking, at least from speaking with Confidence, on Subjects with which he has not made himself sufficiently acquainted. This Caution, my Lords, is more necessary when his Discourse tends to the Accusation or Reproach of another, because he can then only escape Contempt himself by bringing it, perhaps unjustly, on him whom he condemns. It is more necessary still to him who speaks in the publick Council of the Nation, and who may by false Reflections injure the publick Interest, and is yet more indispensably required in one who assumes the Province of examining the Conduct of his Sovereign.

The

\* One of the Principal Secretaries of State : His Lordship attended the King abroad, when the said Neutrality was concluded.

An. 15. Geo. II.  
1741.



Earl of Ilay.

The Earl of Ilay † spoke next :

*My Lords,*

‘ It appears that all those who have spoken on either Side of the present Question, however they may generally differ in their Opinions, agree at least in one Assertion, that the Time which is spent in this Debate might be far more usefully employed, and that we in some Degree desert the great Cause of Liberty by giving way to trifling Altercations.

‘ This indeed is an Argument of equal Force for a Concession of either Side ; but as in Affairs of such Importance, no Man ought to act in a Manner contrary to the Convictions of his own Reason, it cannot be expected that we should be unanimous in our Opinion, or that the Dispute should be determined otherwise than by Vote.

‘ I have indeed heard no Arguments against the Motion which require long Consideration ; for little of what has been urged has, in my Opinion, any Connection with the Question before us, which is not, whether the Ministers have pursued or neglected the Interest of the Nation, whether the War has been well or ill conducted, or our Negotiations managed with Dexterity, but whether we shall offer to his Majesty the Address proposed.

‘ In this Address, my Lords, it has never yet been proved that any Assertions are contained either false, or uncertain in themselves, or contrary to the Dignity of this House ; that any Act of Cowardice or Treachery, any Crime, or any Error will be screened by it from Discovery or from Punishment.

‘ That this, my Lords, may appear more plainly, I move that the Motion may be read ; nor do I doubt but that the Question will, by a closer Examination, be speedily decided.

Hereupon the Motion being again read, in order to put the Question, the Lord Bathurst spoke to the following Effect :

Lord Bathurst.

*My Lords,*

‘ I know not why the noble Lord should expect that, by reading the Motion, we shall come at a more speedy Determination of the Question ; for if the repeated Consideration of it operates upon the Minds of those Lords that have opposed it, in the same manner as upon mine, it will only confirm their Opinion, and strengthen their Resolution.

‘ We are required, my Lords, to join in an Address of Thanks to his Majesty for his Endeavours to maintain the Balance of Power ; in an Address that implies a Falshood open and indisputable, and which will therefore only make us contemptible to our Fellow-Subjects, our Allies, and our Enemies.

... What

† Lord Justice General, and Clerk-Register of Scotland.

What is meant, my Lords, by the Ballance of Power, but An. 15. Geo. II  
 such a Distribution of Dominion as may keep the Sovereign  
 1741,  
 Powers in mutual Dread of each other, and by Consequence  
 preserve Peace; such an Equality of Strength between one  
 France, or one Confederacy, and another, that the Hazard  
 of War shall be nearly equal on each Side? But which of  
 our Lordships will affirm that this is now the State of  
 Europe?

It is evident, my Lords, that the *French* are far from  
 imagining that there is now any Power which can be put in  
 the Ballance against their own; and therefore distribute King-  
 doms by Caprice, and exalt Emperors upon their own  
 Terms.

It is evident that the Continuance of the Ballance of  
 Power is not now to be perceived by its natural Consequences,  
 Tranquillity and Liberty; the whole Continent is now in  
 Confusion, laid waste by the Ravage of Armies, subject to  
 one Sovereign to Day, and to Morrow to another; there is  
 scarcely any Place where the Calamities of War are not felt  
 or expected, and where Property by Consequence is not un-  
 certain, and Life itself in continual Danger.

One happy Corner of the World indeed is to be found,  
 my Lords, secured from Rapine and Massacre for one Year  
 at least, by a well-timed Neutrality, of which, on what  
 Terms it was obtained, I would gladly hear; and whether  
 it was purchased at the Expence of the Honour of *Great*  
*Britain*, though the Advantages of it are confined to *Ha-*  
*nover*.

But as I am not of Opinion, my Lords, that the Ba-  
 lance of Power is preserved by the Security of *Hanover*; or  
 that those Territories, however important, will be able to  
 furnish Forces equivalent to the Power of *France*; I cannot  
 agree to promise, in an Address of this House, to assist his  
 Majesty in maintaining the Ballance of Power, though I  
 will cheerfully give my Concurrence in every just and vi-  
 gorous Effort to restore it.

But as it may be urged that any direct Expressions of  
 Discontent may be too wide a Deviation from the common  
 Forms, which for a long Time have admitted nothing but  
 Flattery, I shall only venture to propose that we may at  
 least contract our Address; that if we do not in plain Language  
 declare all our Sentiments, we may however affirm nothing  
 that we do not think; and I am confident that all the Praises  
 which can be justly bestowed on the late Measures, may be  
 comprised in a very few Words.

It has been insinuated, that this Change of our Stile may  
 per-

An. 15. Geo. II.  
1741.

perhaps surprize his Majesty, and raise in him some Suspicion of Discontent and Disapprobation ; that it may incline him to believe his Measures, either not understood by us or not applauded, and divert him from his present Schemes by the Necessity of an Enquiry into the Reasons of our Dislike.

‘ And for what other Purpose, my Lords, should such Change of our Stile be proposed ? Why should we deny on this Occasion the Compliments which have been of late so profusely bestowed, but to shew that we think the Time too dangerous for Flattery, and the Measures now pursued such as none but the most Abject can commend ?

‘ I should hope that if it be asked by his Majesty, to what Cause it is to be imputed, that the Address of this House is so much contracted, there would be found some amongst us honest enough to answer, that all which can be said with Truth is contained in it, and that Flattery and Falshood were not consistent with the Dignity of the Peers of *Great Britain*.

‘ I hope, my Lords, some one amongst us will explain to his Majesty the Decency as well as the Integrity of our Conduct, and inform him that we have hinted our Discontent in the most respectful Manner ; and, where there was sufficient Room for the loudest Censure, have satisfied ourselves with modest Silence, with a mere Negation of Applause.

‘ Should we, my Lords, in Opposition to the Complaint of our Country-men, to the Representations of our Allies and all the Conviction which our Reason can admit, continue to act this Farce of Approbation, what can his Majesty conceive, but that those Measures which we applaud, ought to be prosecuted as the most effectual and safe ? And what Consequence but total Ruin can arise from the Prosecution of Measures, by which we are already reduced to Penury and Contempt ?

Earl of Chol-  
mondeley.

His Lordship was answered by the Earl of *Cholmondeley*.

*My Lords,*

‘ It is never without Concern that I hear any Suspicion insinuated of Injustice or Impropriety in his Majesty’s Measures, of whose Wisdom and Goodness I have so much Knowledge, as to affirm with the utmost Confidence, that he is better acquainted than any Lord in this House with the present State of *Europe* ; so that he is more able to judge by what Methods Tranquility may be re-establish’d ; and that he pursues the best Methods with the most incessant Diligence and Application.

‘ That the justest Intentions may be sometimes defeated, and the wisest Endeavours fail of Success, I shall readily grant ;

that; but it will not follow that we ought not to acknowledge that Wisdom and Integrity which is exerted in the prosecution of our Interest, or that we ought not be grateful to the Benefits which were sincerely intended though not actually received.

An. 15. Geo. II.

1741.

The Wisdom of his Majesty's Counsels, my Lords, is not sufficiently admired, because the Difficulties which he has to encounter are not known, or not observed. Upon his Majesty, my Lords, lies the Task of teaching the Powers of the Continent, to prefer their real to their seeming Interest, and to disregard for the sake of distant Happiness, immediate Acquisitions or Advantages. His Majesty is endeavouring to unite, in the Support of the Pragmatick Sanction, those Powers whose Dominions will be enlarged by the Violation of it, and whom *France* bribes to her Interest with the Spoils of *Austria*; and who can wonder that Success is not easy in Attempts like this?

In such Measures we ought doubtless to endeavour to assist his Majesty, by an Address at least not less expressive of Duty and Respect than those which he has been accustomed to receive, and therefore I shall concur with the noble Lords who made and supported the Motion.

Then the Question being put for agreeing to the Address as proposed by the Earl of *Malton*, it passed in the Affirmative: Content 88. Not Content 43.

Dec. 5. The House of Lords waited on the King with their Address of Thanks as follows;

*Most Gracious Sovereign,*

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave to return your Majesty our humble Thanks for your most gracious Speech from the Throne; and, at the same Time, to present unto your Majesty our sincere and joyful Congratulations on your safe and happy Return into this Kingdom.

The just and necessary War in which your Majesty is engaged against the Crown of *Spain*, is of such high Importance to the Trade and Navigation of your Subjects, and to the Welfare of your Kingdom, that it is with the utmost Thankfulness we observe the great Concern which your Majesty has been pleased to express for carrying it on; which we hope, by the Divine Blessings upon your Majesty's Arms will be attended with Success equal to

An. 15. Geo. II.  
1741.



the Justice of your Cause, and the ardent Wishes of your People.

Your Majesty has so truly represented the impending Dangers to which *Europe* is exposed, in the present critical Conjunction, as must awaken, in every one, an Attention suitable to the Occasion ; And we cannot but be fully sensible of the evil Consequences arising from the Designs and Enterprizes, formed and carrying on for the Subversion or Reduction of the House of *Austria*, which threaten such apparent Mischiefs to the Common Cause.

In this Situation it becomes us, with Hearts full of Gratitude to your Majesty, to acknowledge your Royal Goodness in expressing so earnest a Desire to receive, and so high a Regard for, the Advice of your Parliament : Your Majesty, secure of the Loyalty and Affections of your People, may rely upon that, with the best grounded Confidence ; and we beg Leave to assure your Majesty, that we will not fail to take the important Points, which you have been pleased to mention to us, into our most serious Consideration ; and, in the most dutiful Manner, to offer to your Majesty such Advice as shall appear to us to be most conducive to the Honour and true Interest of your Crown and Kingdoms.

We have a due Sense how much the present Posture of Affairs calls upon us, for that Unanimity, Vigour, and Dispatch, which your Majesty has so wisely recommended to us ; and we do most unfeignedly give your Majesty the strongest Assurances, that we will vigorously and heartily concur in all just and necessary Measures for the Defence and Support of your Majesty, the Maintenance of the Balance and Liberties of *Europe*, and the Assistance of our Allies.

As Duty and Affection to your Majesty are, in us, fixed and unalterable Principles, so we feel the Impressions of them, at this Time, so strong and lively in our Breasts, that we cannot omit to lay hold on this Opportunity of approaching your Royal Presence, to renew the most sincere Professions of our constant and inviolable Fidelity : And we do with a Zeal and Firmness, never to be shaken, promise your Majesty, that we will, at the Hazard of all that is dear to us, exert ourselves for the Defence and Preservation of your sacred Person and Government, and the Maintenance of the Protestant Succession in your Royal House, on which the Continuance of the Protestant Religion, and the Liberties of *Great Britain*, doth, under God, depend.

To the foregoing Address his Majesty return'd the following Answer: An. 15. Dec. 1742.

*My Lords,*

**I** Heartily thank you for this very loyal and dutiful Address. The Zeal, which you have declared for my Defence and Support, and for the Maintenance of the Liberties of Europe, and the Assistance of our Allies, gives me great Satisfaction. You may depend upon my constant Regard to the Advice of my Parliament, and my steady Adherence to the true Interest of my Crown and Kingdoms. His Majesty's Answer.

*Dec. 9.* The Lord Chancellor acquainted the House, that he had, pursuant to their Lordships Directions last Session of Parliament, transmitted the Thanks of this House to Vice-Admiral Vernon, for his gallant and successful Conduct in the *West-Indies*, and that he had received a Letter from the said Admiral, which was an Answer to their Lordships Thanks, and the same was read by the Clerk, as follows;

*My Lord*

**S**o great an Honour done to my Endeavours to serve his Majesty to the best of my Abilities; by being thought deserving of the Thanks of so noble and august an Assembly, as the House of Lords, could not but fill my Mind with the sincerest Joy of being deemed worthy of so high an Honour as to be recommended to Posterity by their Lordships, for having diligently and resolutely served his Majesty and my Country. Admiral Vernon's Letter to the Lord Chancellor, in Return for the Thanks of the House.

I hope the grateful Sense of this Honour will ever fix so deep an Impression on my Mind, as on all future Occasions to animate me to preserve their Lordships good Opinion, and manifest my Inclination to express my grateful Sense of it, by continuing to exert the utmost of my poor Abilities, in a diligent and faithful Discharge of my Duty to his Majesty and my Country.

I am, My Lord,

Your Lordship's most Obedient

and most humble Servant,  
E. V E R N O N,

*Dec. 16.* The Lords ordered an exact List of the Navy, and where the Ships in Commission are stationed, also a List of the Land Forces, where quartered; and another of the Officers Order'd Lists of the Navy and Army;



An. 15. Geo. II. Officers, (if any) now at *Minorca* and *Gibraltar*, and who were absent. 1741.

Ordered that the Lord Chancellor do write Letters to the Lords to attend on the 20th of *January*.

Also Copies of Letters and Accounts relating to the War ;

Dec. 28. The Lords ordered Copies of all Letters to *Admiral Haddock*, since the 24th of *June*, 1741, for committing Hostilities against *Spain* ; also Copies of all Orders to *Sir John Norris* in 1740 and 1741 ; Copies of all Accounts transmitted by *Admiral Vernon* or *General Warrington*, relating to any Attempts on *Carthage*, and the Operations of the Sea and Land-Forces, with the Resolutions of the several Councils of War.

Likewise of Ships built or purchased ;

Their Lordships also ordered a List to be laid before the House, of Ships built in private Yards since the 10th of *July* 1739, likewise a List of Ships purchased by the Government since that Time.

Dec. 22. The Lords ordered a List to be laid before them of Ships employed, since the present War, as Cruizers to protect the Trade of our Merchants.

The same Day a Motion being made, ' That an humble Address \* be presented to his Majesty, that he will be graciously pleased to give Directions, that there be laid before this House, Copies of all Memorials, Representations, Declarations, and Letters, which have been sent either to his Majesty or his Ministers, by the Queen of *Hungary* or her Ministers, or by his Majesty or his Ministers, to the Queen of *Hungary* or her Ministers, with the respective Answers to such Memorials, Representations, Declarations and Letters. And of all Letters wrote by either of his Majesty's Principal Secretaries of State, or any other of his Majesty's Ministers, to his Majesty's Minister residing at the Court of the Queen of *Hungary*, or by the said Minister to either of his Majesty's principal Secretaries of State, or any other of his Majesty's Ministers, relating to the State of the War in the Empire, and the Support and Interests of the House of *Austria*, since the Death of the late Emperor.' The same was objected to : And a Question being stated thereupon, it was proposed after the Word [*Declarations*] in the former Part of the Question, to leave out these Words [*and Letters*] which being objected to : After Debate, the Question was put, whether those Words should stand Part of the Question ? It was resolved in the Negative.

And it being proposed to insert, after the Word [*Ministers*] mentioned in the 4th Place [*and of all Letters which have been sent*]

\* See an Account of the like Motion in the House of Commons, CHANDLER'S History, Vol. XIII. p. 61.

have been sent to his Majesty's Ministers by the Ministers of *Am. 15. Geo. II.*  
*the Queen of Hungary, or by his Majesty's Ministers to the* 1741.  
*Ministers of the Queen of Hungary.)* The same was ob-  
 jected to.

Then it was proposed to leave out these Words ( *and of all Letters wrote by either of his Majesty's Principal Secretaries of State, or any other of his Majesty's Ministers, to his Majesty's Minister residing at the Court of the Queen of Hungary, or by the said Minister to either of his Majesty's Principal Secretaries of State, or any other of his Majesty's Ministers.* ) Which being objected to : The Question was put, Whether those Words should stand Part of the Question ? It was resolved in the Negative. Content 32. Not Content 59.

#### *Dissentients'*

Because the leaving out those Words in the Motion invalidates the Address to the greatest Degree, by denying the necessary Lights to see into Affairs of the utmost Concern to the Nation, and Transactions most probably in Agitation between *Great Britain* and the *Queen of Hungary*, inasmuch as there is neither Matter nor Means sufficient left to give his Majesty our best Advice upon, although so graciously asked from the Throne at this critical Conjunction. Besides which, it is apparently putting such a Check and Restraint upon the Privilege of the House of Peers in wording Addresses to the King, as may prove of the utmost Prejudice and Loss to both, which the Nation in general would in Consequence be Sufferers by, should this be made use of by ministerial Artifice or Power, at any Time to come, as a Precedent to defeat or annul Addresses of this Kind, whereon the Freedom and Safety of his Majesty's Person, and the Protestant Succession and Government so eminently depend.

*Lord Haverham's*  
 Protest on the  
 said Motion's passing in the Ne-

#### *Haverham.*

Then a Motion was made for the like Papers relating to the *French King*, which was carried in the Negative by 60 *Also on the like*  
 against 30. To which his Lordship likewise dissented for *Motion relating*  
 the same Reasons. *to France.*

During this Month died in *Flanders*, *Thomas*, Earl of *Albany*, and was succeeded by his Son *Charles*, Lord *Pecrage*.  
*Ashebury*; as did also *James* Duke of *Montrose*, &c. in *Scotland*, succeeded by his eldest Son *William*, Earl *Graham* of *Belfast* in *England*.

# *To the Right Honourable, the Lords Spiritual and Temporal in Parliament assembled,*

**A S T A T E** of the National Debt Provided or Unprovided for by Parliament, as it stood on the 31st of December 1740, and on the 31st of December 1741.

Together with an Account of the Produce of the *Sinking-Fund* in that Year, and to the Payment of what Debts contracted before the 25th Day of December 1716, the said Fund has been applied.

|   | E X C H E Q U E R. |    |     | Amount of the National Debt on the 31st of December 1740. | Increased between the 31st of Dec. 1740, and 31st of Dec. 1741. | Paid off within that Time. | Amount of the National Debt on the 31st of December 1741. |
|---|--------------------|----|-----|---|---|----------------------------|---|
|   | l.                 | s. | d.  |   |   |                            |   |
| <b>A</b> Nnuities for long Terms, being the Remainder of the Original Sum contributed and unsubscribed to the <i>South Sea Company</i> .<br>Annuities for Lives, with Benefit of Survivorship, being the original Sum contributed.<br>Annuities for two and three Lives, being the Sum remaining after what is fallen in by Deaths.<br>Annuities at 9 per Cent. for short Terms.<br>Annuities on the Lottery, Anno 1710, for D <sup>o</sup> .<br>Annuities on the Plate Act, 6 <i>Georgii I. Regis</i> ,<br>Annuities for <i>Nevis</i> and <i>St Christopher's</i> Debentures, at 3 per Cent. per Annum,<br>Annuities at 3 l. 10 s. per Cent. Anno 1731,<br>Annuities at 3 per Cent. Anno 1736, charged on the Sinking Fund,<br>Annuities at 3 per Cent. Anno 1738, charged on D <sup>o</sup> . | 1836275            | 17 | 10½ |   |   |                            | 1836275 17 10½  |
|   | 108100             | 0  | 0   |   |   |                            | 108100 0 0  |
|   | 109447             | 8  | 2½  |   |   | 800                        | 108647 8 2½   |
|   | 161108             | 6  | 8   |   |   |                            | 161108 6 8  |
|   | 109290             | 0  | 0   |   |   |                            | 109290 0 0  |
|   | 312000             | 0  | 0   |   |   |                            | 312000 0 0  |
|   | 37821              | 5  | 1½  |   |   |                            | 37821 5 1½  |
|   | 400000             | 0  | 0   |   |   |                            | 400000 0 0  |
|   | 600000             | 0  | 0   |   |   |                            | 600000 0 0  |
|   | 300000             | 0  | 0   |   |   |                            | 300000 0 0  |

Entries on Salt continued, Anno 1734,

Do. further continued, Anno 1735,

Do. further continued, Anno 1741,

Exchequer Bills made out for Interest of Old Bills exchange'd,

Exchequer Bills on the Victuallers Act, Anno 1726,

Exchequer Bills charged on the Duties on Sweets,

Anno 1737,

Note, *The Land-Taxes and the Duties on Malt, being*

*Annual Grants, are not charged in this Account, nor the*

*100,000*l.* charged upon the Deduction of 6*d.* per Pound*

*on Penions, &c.*

E A S T - I N D I A Company.

By two Acts of Parliament, 9*Will.* III. and two other }  
Acts 6 and 9 *Anna Reginae*,

Bank of ENGLAND.

By their original Fund at 6 per Cent. per Annum

For cancelling Exchequer Bills, 3 *Geo. I. Regis*,

Purchased of the South-Sea Company,

Annuities at 4 per Cent. charged on the Duties on }  
Coals, &c. since *Lady-Day*, 1739,

Do. charged on the Surplus of the Funds for Lottery 1714,

Do. at 3 per Cent. for the Lottery, Anno 1731.

S O U T H - S E A Company.

On their Capital Stock and Annuities, 9 *Geo. I. Regis*,

|          |   |    |          |   |    |
|----------|---|----|----------|---|----|
| 84500    | 0 | 0  | 84500    | 0 | 0  |
| 500000   | 0 | 0  | 500000   | 0 | 0  |
| 2200     | 0 | 0  | 2200     | 0 | 0  |
| 481400   | 0 | 0  | 481400   | 0 | 0  |
| 499600   | 0 | 0  | 499600   | 0 | 0  |
| 1200000  |   |    | 1200000  |   |    |
| 3200000  | 0 | 0  | 3200000  | 0 | 0  |
| 1600000  | 0 | 0  | 1600000  | 0 | 0  |
| 500000   | 0 | 0  | 500000   | 0 | 0  |
| 4000000  | 0 | 0  | 4000000  | 0 | 0  |
| 1750000  | 0 | 0  | 1750000  | 0 | 0  |
| 1250000  | 0 | 0  | 1250000  | 0 | 0  |
| 800000   | 0 | 0  | 800000   | 0 | 0  |
| 27302203 | 5 | 6½ | 27302203 | 5 | 6½ |
| 45943946 | 3 | 5½ | 45943946 | 3 | 5½ |
| 187800   |   |    | 187800   |   |    |
| 1200000  |   |    | 1200000  |   |    |
| 84500    |   |    | 84500    |   |    |
| 102500   |   |    | 102500   |   |    |
| 397500   | 0 | 0  | 397500   | 0 | 0  |
| 1200000  | 0 | 0  | 1200000  | 0 | 0  |
| 2200     | 0 | 0  | 2200     | 0 | 0  |
| 481400   | 0 | 0  | 481400   | 0 | 0  |
| 499600   | 0 | 0  | 499600   | 0 | 0  |
| 3200000  | 0 | 0  | 3200000  | 0 | 0  |
| 1600000  | 0 | 0  | 1600000  | 0 | 0  |
| 500000   | 0 | 0  | 500000   | 0 | 0  |
| 4000000  | 0 | 0  | 4000000  | 0 | 0  |
| 1750000  | 0 | 0  | 1750000  | 0 | 0  |
| 1250000  | 0 | 0  | 1250000  | 0 | 0  |
| 800000   | 0 | 0  | 800000   | 0 | 0  |
| 27302203 | 5 | 6½ | 27302203 | 5 | 6½ |
| 45943946 | 3 | 5½ | 45943946 | 3 | 5½ |
| 187800   |   |    | 187800   |   |    |
| 1200000  |   |    | 1200000  |   |    |

( 69 )

| Dr.  |   | l.     |    | s. d. |   | Per contra Cr. |  | l. |        | s. d. |   |   |       |    |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| THE Exchequer to {<br>Cash on the Sink-<br>ing Fund, on the 31st<br>of Dec. 1740,<br>To the Produce of the<br>Sinking Fund between<br>the 31st of Dec. 1740,<br>and the 31st of Dec.<br>1741,<br>Surplus of the Gene-<br>ral Fund,<br>Do. of the Aggre-<br>gate Fund,<br>Do. of the South Sea<br>Company's Fund, | { | 361487 | 16 | 4     | ½ | {              | BY Money issued between the 31st of<br>Dec. 1740, and the 31st of Dec. 1741,<br>In full of 120,000 <i>l.</i> granted for the<br>Service of the Year 1740,<br>In full of 1,200,000 <i>l.</i> granted last Session<br>of Parliament, for the Service of the<br>Year 1741,<br>To pay the Annuities at 3 <i>per Cent.</i> on<br>600,000 <i>l.</i> granted Anno 1736; for<br>One Year due at Michaelmas 1741,<br>To the Usher of the Receipt of the Ex-<br>chequer, for Necessaries deliver'd for<br>the Service of the said Annuities.<br>To pay the Annuities at 3 <i>per Cent.</i> on<br>300,000 <i>l.</i> granted Anno 1738, for<br>one Year due at Michaelmas, 1741,<br>To the Bank of England for Interest of<br>500,000 <i>l.</i> lent by them on the Credit<br>of the Duties on Salt continued Anno<br>1735, for Six Months Interest, due<br>the 8th of March 1740,<br>To the said Bank of England, to make<br>good the Premiums or Rewards, for<br>circulating Exchequer Bills charged on<br>the Duties on Victuallers, granted An-<br>no 1726, between the 24th of July<br>1739, and Michaelmas 1741, | {  | 185635 | 8     | 1 | { | 69836 | 14 | 4 | ½ |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  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To the said Bank of *England*, to make  
 good the Premiums or Rewards for  
 circulating Exchequer Bills charged  
 on the Duties on Sweets granted *Anno*  
*1737*, between the 24th of *July 1739*  
 and *Michaelmas 1741*.

To make good the Deficiency of the Lot-  
 tery Annuities, *Anno 1731*, at *Christ-*  
*mas 1740*,

To pay Interest on the Loans charged on  
 the Duties on Salt continued *Anno*  
*1741*, for Six Months Interest, due  
 the 5th of *Nov. 1741*.

To make good the Deficiency of Annui-  
 ties on the Plate Aft to *Lady Day*  
*1741*.

27850 1 2½

4048 14 7

21000 0 0 ( 67 )

11984 13 2

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L. 1190781 1 4  
 160392 13 11½

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L. 1351173 15 3¾

Balance in Cash the 31st of *Dec. 1741*,

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1741.

Message from the  
King to the  
Prince of Wales.

His Royal High-  
ness's Answer.

Merchants Peti-  
tion relating to  
their Losses by  
the Spaniards.

An Address of  
Thanks for his  
Majesty's Care of  
the Queen of  
Hungary agreed  
to.

On the 5th of *January* the Bishop of *Oxford* \* waited on his Royal Highness the Prince of *Wales*, at *Carleton House*, with the following Message, delivered to him ( as he said ) by the Earl of *Cholmondeley*, from his Majesty : ††

‘ That if his Royal Highness would write a Letter of Con-  
‘ descension to the King, his Majesty would give a gracious  
‘ Reception to him, his Friends, those of his Councils, and  
‘ Servants, who should all be provided for in due Time :  
‘ That the 50000*l.* per Annum should be immediately add-  
‘ ed to his Royal Highness's present Income : And, that  
‘ all his Debts should be paid with all convenient Speed.’

To this his Royal Highness return'd the following An-  
swer, ‘ That he look'd on this Message as a Proposal from  
‘ the Minister, and not from his Majesty : That he would  
‘ embrace the first proper Opportunity to throw himself at  
‘ his Majesty's Feet : And at that Time should be far from  
‘ prescribing Terms for himself to his Majesty : But that he  
‘ could not come to Court while Sir *Robert Walpole* pre-  
‘ sided in his Majesty's Councils : That he look'd on him  
‘ as the sole Author of our Grievances at Home, and of  
‘ our ill Success in the *West-Indies* : And that the disadvan-  
‘ tageous Figure We at present make in all the Courts of  
‘ *Europe*, was to be attributed alone to him.’

*Jan.* 20. The Lords went upon the Consideration of the State of the Nation, and after reading several Papers, adjourn'd to the next Day.

The same Day the Merchants of *London* presented to the House a Petition, complaining of the great Losses they had sustained by the *Spaniards*, which being to the same Effect as that presented to the Commons, † we think it unnecessary to repeat. It may be sufficient to observe, that their Lordships ordered them to be heard by themselves or Counsel on the 4th of *February*.

*Jan.* 23. The House appointed the Bishop of *Llandaff* to preach before them on the 30th Instant.

*Jan.* 26. The Lords proceeded farther on the Consideration of the State of the Nation ; and the Lord *Lovel* moved for an Address of Thanks to his Majesty, for his Care of the Queen of *Hungary*, which after Debate was agreed to by Majority of 72 against 56.

\* Dr Secker, Rector of St. James's, Westminster, in which Parish was his Royal Highness's Residence.

†† See the Letters that passed between his Majesty and his Royal Highness, in the 5th Vol. of *TIMBERLAND's History of the House of Lords*.

† See the Petition at large in *CHANDLER's History and Proceedings of the House of Commons*, Vol. xiii, p. 66.

The next Day the House began to take into Consideration the State of *Gibraltar* and *Minorca*, and ordered the Lords to be summoned upon the same, for the following Day : When after reading several Papers, &c, a Motion was made,

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1741.

That as it appears to this House, by the List of the Officers belonging to the Establishment of *Minorca* ; That out of nineteen Officers, only one Adjutant, one of the Joint-Secretaries, the Provost-Marshal, and one Surgeon's Mate, and the Signal-Man, are attending their Duty in the Island : It is the Opinion of this House, that the permitting so many Officers to be absent in Time of profound Peace, would be a great Neglect of the Publick Service, tending to the Destruction of Military Discipline ; but that the suffering them to be absent in the Time of War, at a juncture when the Island of *Minorca* has been threatened with an Invasion from the *Spaniards*, renders the Possession of that important Place precarious, and is highly injurious to the Honour and Interest of these Kingdoms.' Upon which a Debate arising, the farther Consideration thereof was adjourn'd to the next Day, and Major-General *Anstruther*, Lieutenant Governor, was ordered to attend.

Motion relating to the Absence of several Officers from their respective Posts at *Minorca*.

Jan. 28. The Order of the Day being read for resuming the adjourned Debate, which arose Yesterday upon a Motion made in relation to the Officers who are absent from *Minorca*, and for the Attendance of Major-General *Anstruther* ; He attended accordingly, was called in, and being sworn, was shewn the List of the several Officers upon the Establishment of *Minorca*, whereby it appears what Number of them are absent, and the Nature of their respective Offices, and was desired to give the Reasons ( as far as he knew ) which occasioned their Absence ; and was farther examin'd as follows :

THE Earl of *Hertford*, he says, is Governour, and the Occasion of his Absence is from being infirm, and not able to travel, and from that Infirmary has never been able to go to the Island.

Examination of General *Anstruther*, the Lieutenant Governor.

The Lieutenant-Governour ( viz. himself ) says, I am absent by his Majesty's Leave.

Q. When did you come away from the Island ?

A. I left the Island the 15th or 16th of *February* last, I can't be positive which ; but it was one of those Days,

Q. Upon what Account did you leave the Island ?

A. I had Leave upon my own Application.

Q. By what Orders did you come away ?

A. The Leave that all Officers have comes regularly from the Secretary at War.



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1741.

*Q.* Whether you made the Application for coming Home yourself, and to whom you made it ?

*A.* I made it in the way all Applications are made, to the Secretary at War : I have the Leave of Absence in my Pocket, sent to me by the Secretary at War, by the King's Order,

(*This he produced, and the same was read*)

*Q.* On whom did the Command devolve, upon your coming away ?

*A.* The Command always devolves upon the oldest Commanding Officer, and was Brigadier *Paget*.

*Q.* As this was a conditional Leave, whether you were under any Apprehensions of an Attack from the *Spaniards* ; or whether the Design of the *Spaniards* had actually been laid aside, when you left the Island.

*A.* I understood my Leave of Absence to be conditional ; that I had no Leave of Absence, if I was under any Apprehensions of the Island's being attack'd. Before I left the Island, I had certain Intelligence of the Enemies having carried off Part of their Cannon, Part of their Mortars, and Part of their Troops from *Majorca*, which was the Place from which they design'd to attack the Island.

*Q.* Whether, before you left the Island, you had any Correspondence with Admiral *Haddock* ; or consulted him, so as to know his Thoughts with regard to the *Spaniards* having laid aside their Design to attack the Island.

*A.* Tho' I was very sure, from my own Intelligence, the Design was laid aside for that Time, yet I apply'd to Mr. *Haddock*, to know if he had any Intelligence to the contrary, who agreed with me, and that he had none.

*Q.* What Quantity of Cannon was carried away, and what remained at *Majorca* ?

*A.* As to the Quantity that was carried away from thence, I cannot be positive ; what was brought from *Barcelona* thither I knew exactly, as well as the Number of Mortars : There were 2500 Men carried back from *Majorca* to *Barcelona* along with Part of the Artillery.

*Q.* Whether the Report of *Majorca's* being in Danger of an Attack from the *Spaniards* did not cease, just at the Time, or a little after the Time, that the *Spanish* Squadron sail'd from *Caliz* to the *West-Indies*.

*A.* I think what prevented the Island's being attack'd at that Time, was five Ships that Mr. *Haddock* brought from *Gibraltar*, which he conceived to be Force enough to prevent any Attack being made upon the Island. My Intelligence was that they were to come into the Island with a Body of 16000 Men, 9000 whereof were to come from *Barcelona*, and

7000 from *Majorca*. After this Mr. *Haddock* came up with the Ships ; and I am satisfi'd, that was what prevented the Attack.

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*Q.* Ask'd the same Question again as to the Time of the Report ceasing ?

*A.* The Fleet sail'd some Time after that, about three Weeks or a Month after that, to the best of my Remembrance.

*Q.* At what Time did Mr. *Haddock's* Ships come to *Minorca* ?

*A.* I cannot charge my Memory with the exact Time.

*Q.* Whether, in your Opinion, 16000 Men are necessary to make the Siege of Fort St. *Philip*, or whether 10,000 Men are not sufficient ?

*A.* If 'tis agreed, as the *Spaniards* believ'd, that the People of the Island are in their Interest, what the noble Duke says, I believe might be sufficient, because when those Troops were to come over, by my Intelligence, there were Arms for 7000 Men, that it was possible they imagin'd the Island would furnish them with ; which makes me believe they did think the People of the Island would have joined them. But had that Number of Men been in the Interest of the *English*, the noble Duke knows 16000 would be scarce sufficient.

*Q.* Whether the Island can't be attack'd from *Barcelona* ?

*A.* To be sure the Island can be attack'd from any Part of *Spain*.

*Q.* Whether the Number of Troops left in *Majorca* were sufficient to make you fear any Danger.

*A.* I apprehended no Danger from the Troops left in *Majorca*.

*Q.* Whether the Commission you have as Lieutenant-Governor, gives you the same Powers, as the Governor would have if he were present ?

*A.* I understand it does.

*Q.* Acquaint the House with the Nature of those Powers.

*A.* The Civil Government of that Island is carried on by Judges of the King's Nomination, Natives of the Island ; they are govern'd by their own Laws ; the Governor has a Power, upon the Judges being of different Opinions, to agree with those whose Opinions he thinks are the best.

*Q.* Had Colonel *Paget*, upon your going away, the same Powers which you had when you were present ?

*A.* I understand he had : It has been the Custom there, that any Commandant, in the Absence of the Governor and Lieutenant-Governor, exercised the same Powers.

*Q.* Has the Commandant those Powers in the Absence of the

the

Ans. 15. Geo. II. the Lieutenant-Governor of Course ; or has he any particular Commission for that Purpose ?

1741.

A. I do not understand he has any particular Commission for them.

Q. Whether you, when you are there, act by a Military Commission as Lieutenant-Governor ?

A. I act by a Commission from his Majesty as Lieutenant-Governor.

Q. Whether in case the Island stood neuter, 10,000 Men were sufficient to form the Siege, and succeed in it ?

A. As to the Success of a Siege I can't say ; but I should think, if the Troops were complete, 10,000 Men would find great Difficulty in conquering the Port.

Q. Whether Admiral *Haddock*, at that Time, had not a sufficient Number of Ships to prevent any Attempt upon the Island, except the *Spaniards* had been superior at Sea ?

A. 'Tis my Apprehension, while there is a Fleet in the *Mediterranean* superior to the *Spanish* Fleet, any Attempt upon the Island will never be made : There's no manner of Doubt of it ; for I believe nothing but Mr *Haddock's* coming with five Ships ( as I mention'd before ) prevented the Attack.

Q. What is your Opinion of the Disposition and Temper of the People, whether they would have sided with the *Spaniards* if an Attack had been made ?

A. The People in that Island, since it has been in the Possession of the *English*, have been much happier than ever they were formerly, and greatly richer ; notwithstanding which I may venture to assure your Lordships that they would join the *Spaniards*.

A. Whether the State of the Establishment laid before the House, which you have in your Hands, is the same now as it was when you left the Island, and what Variations, if any ?

A. One of the Secretaries I brought with me from the Island ; and there's the Fort-Major, hath had his Majesty's Leave very lately. I do not know of any other Alterations.

Q. Whether the Regiments were compleat, as to Men and Officers, when you left the Island.

A. No, my Lords ; but there may be laid before your Lordships an Account of the Men raised for the different Regiments in that Island, since the late Augmentation, which, I make no Doubt, wou'd convince your Lordships, that there has been no Neglect ; but the Death and Desertion of Men that are listed here for that Place, make it impracticable to keep them compleat, in the common Way of Recruiting here.

Q. What Number of Officers were absent at that Time ;  
and

and what Number of Men were wanting to compleat the *An. 15. Geo. 3.*  
Regiments? *1741.*

*A.* I really can't acquaint your Lordships with that, upon my Memory; but there is an Account of that in the Returns that were sent from the Island.

*Q.* Whereabouts was the Number of Officers and Men wanting?

*A.* I know there were a great Number of Men wanting; I believe near 700.

*Q.* What Number of Officers?

*A.* I cannot recollect; but, I believe, not so many Officers as Men, in Proportion.

*Q.* Whether there was not, at that Time, a Number of Recruits rais'd, and some upon the Sea going thither?

*A.* To be sure, there are always Recruits going thither. I have sent Forty Men within this Fortnight, and have a great many more to go.

*Q.* Whether you think it possible for the Regiments at *Persepolis* to be perpetually full; and whether you think there is a Fund sufficient to keep them so?

*A.* 'Tis utterly impossible; there may be an Account laid before your Lordships of Recruits which cost the Captain 40 l. a Man.

*Q.* Whether it is possible to keep the Regiments more compleat than they were when you left the Island?

*A.* To be sure they may be more compleat; but we were under some Misfortunes of losing Recruits in their going thither.

*Q.* Whether you do not think there might have been such Methods taken, as would have kept those Regiments as compleat as other Regiments are kept?

*A.* In Place of Recruiting in the ordinary Way, if there had been Draughts sent over once a Year, to compleat those Regiments, to be sure they would have been more compleat than they now are; though there are many Objections to the Draughting of Regiments.

*Q.* Whether you ever met with any one Colonel that did not complain, when his Regiment was draughted?

*A.* I believe there is no Colonel of a Regiment that inclines to have his Regiment draughted.

*Q.* Whether you yourself in your Correspondence here have not complain'd of the Number of Officers absent, and Men wanting?

*A.* I have represented that there were too many Officers absent, and that the Regiments were not complete.

*Q.* Whether you have not complain'd of it often?

*A.* I

| Dr.  |   | l.     |    | s. d. |   | Per contra Cr.   |   | l.     |   | s. d. |   |       |    |    |   |         |   |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| THE Exchequer to<br>Cash on the Sink-<br>ing Fund, on the 31st<br>of Dec. 1740,<br>To the Produce of the<br>Sinking Fund between<br>the 31st of Dec. 1740,<br>and the 31st of Dec.<br>1741,<br>Surplus of the Gene-<br>ral Fund,<br>Do. of the Aggre-<br>gate Fund,<br>Do. of the South Sea<br>Company's Fund, | { | 361487 | 16 | 4½    | { | BY Money issued between the 31st of<br>Dec. 1740, and the 31st of Dec. 1741,<br>In full of 120,000 <i>l.</i> granted for the<br>Service of the Year 1740,<br>In full of 1,200,000 <i>l.</i> granted last Session<br>of Parliament, for the Service of the<br>Year 1741,<br>To pay the Annuities at 3 <i>per Cent.</i> on<br>600,000 <i>l.</i> granted <i>Anno</i> 1736; for<br>One Year due at <i>Michaelmas</i> 1741,<br>To the Usher of the Receipt of the Ex-<br>chequer, for Necessaries deliver'd for<br>the Service of the said Annuities.<br>To pay the Annuities at 3 <i>per Cent.</i> on<br>300,000 <i>l.</i> granted <i>Anno</i> 1738, for<br>one Year due at <i>Michaelmas</i> , 1741,<br>To the Bank of <i>England</i> for Interest of<br>500,000 <i>l.</i> lent by them on the Credit<br>of the Duties on Salt continued <i>Anno</i><br>1735, for Six Months Interest, due<br>the 8th of <i>March</i> 1740,<br>To the said Bank of <i>England</i> , to make<br>good the Premiums or Rewards, for<br>circulating Exchequer Bills charged on<br>the Duties on Victuallers, granted <i>An-</i><br><i>no</i> 1726, between the 24th of <i>July</i><br>1739, and <i>Michaelmas</i> 1741, | { | 185635 | 8 | 1     | { | 69836 | 14 | 4½ | { | 1000000 | 0 | 0 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  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To the said Bank of *England*, to make good the Premiums or Rewards for circulating Exchequer Bills charged on the Duties on Sweets granted *Anno* 1737, between the 24th of July 1739 and *Michaelmas* 1741.

To make good the Deficiency of the Lottery Annuities, *Anno* 1731, at *Christmas* 1740,

To pay Interest on the Loans charged on the Duties on Salt continued *Anno* 1741, for Six Months Interest, due the 5th of *Nov.* 1741.

To make good the Deficiency of Annuities on the Plate Act to *Lady Day* 1741.

27850 1 2½

4048 14 7

21000 0 0

( 67 )

11984 13 2

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Balance in Cash the 31st of *Dec.* 1741, L. 1190781 1 4

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L. 160392 13 11½

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L. 1351173 15 3¾



An. 15. Geo. II. 1741. and a Place that is besieged cannot be the weaker for having a Supply of a Surgeon and a Surgeon's Mate.

Q. What does the Pay of these four Officers amount to ?

A. I cannot upon Memory tell that directly. Your Lordships may have it from the War-Office.

Q. Whether those Officers would have been oblig'd to assist in defending the other Fort, if it had been attack'd, and would have been under your Command ?

A. I understand that every Establishment there is under my Command ; and if the Place had been attack'd, they would have been as much oblig'd to defend it, as they would Fort St. Anne.

The next upon the List are the Officers belonging to Fort St. Philip, (viz.) The Lieutenant-Governor, Major-General Roger Handisford †, who is absent. — Says I do not know by whose Leave he is absent.

Q. How long has he been absent ?

A. I believe he has not been there for a Number of Years.

The next upon the List is the Fort-Major, Peter Dumas, who is absent. — Says, He came to England about six Weeks ago, and he never was from the Island, since it was in Possession of the English, above three or four Months.

Q. Whether you know any particular Reason he had for coming over ; or whether the Leave was given him for a Time, and whether he is not now upon his Return ?

A. He had, as I understand, the King's Leave, to come over, and is now under Orders, or going to the Island again.

Q. Whether you know the Reason of his coming over ?

A. I do not know the Reason other than that he brought his Wife and Family to settle them here.

The next upon the List is the Adjutant, Arthur Morris. — Says, He is there, and has been there many Years.

The next is the Surgeon James Scot, who is absent. — Says, This is the only Person upon the List that I did give Leave to come to England, and who ought to have returned before now.

The next is the Surgeon's Mate, Jonathan Elder, who is present.

Q. What is your Recruiting Fund in Minorca ?

A. The Recruiting Fund is the same as that of the Troops in England, which is two Warrant Men upon the List, which are supposed to be Non-effective.

Q. Whether 'tis possible this Fund should be sufficient to compleat the Regiments ?

A. I

† Member in the last Parliament for Huntingdon, and Petitioner in this ; as was Gen. Anstruther himself for the Burghs of Anstruther, &c. See CHANDLER'S History of the Commons, Vol. XIII.

*A.* I have acquainted your Lordships with the Difficulty and Expence that Gentlemen are at in Recruiting the Troops in that Island. An Officer in *England* can have a Man for Ten Shillings, which would cost a Captain in the Island Ten or Fifteen Pounds.

An. 15. Geo. II.  
1741.

*Q.* How many Years the Regiments in *Minorca* have been there without being relieved ?

*A.* There are Two of the Regiments in the Island that have been there Five or Six and Twenty Years ; there are Two others that have been there Fifteen or Sixteen Years. My Regiment his Majesty was pleased to order over about four Years ago.

*Q.* Whether you are not convinc'd, that this is not Relieving of the Regiments ; and whether the keeping the Regiments so long there, has not been of infinite Detriment to the Service ?

*A.* I think it has.

*Q.* Whether there have not been many melancholy Instances of the Despair of the Soldiers in those Regiments ?

*A.* Yes, there have.

*Q.* Whether you had not Directions to write to the Island to acquaint them, that the Regiment would be relieved ; and whether you did not represent that that would be satisfactory ?

*A.* I did write to the Commanding Officer of the Island that he might acquaint the Troops, that his Majesty was determined to relieve one Regiment every Year ; which, my Lords, I am satisfy'd, would put a Stop to all such Accidents that have happen'd, and be satisfactory.

*Q.* What Time was the Letter wrote ?

*A.* I wrote that Letter about nine Months ago.

*Q.* Whether any Regiments have gone thither since that Time ; and whether you know of any that is going to embark ?

*A.* I have been told lately, that two Regiments will be sent, one to relieve a Regiment at *Gibraltar*, and another to relieve one at *Minorca* ; but none are gone hitherto.

*Q.* You are desired to acquaint the House with some of those Instances of Despair in the Soldiers ; and whether they have been frequent ?

*A.* There have been a good many Instances of Soldiers upon that Island shooting off their Hands, and some of them shooting off their Feet, and some shooting themselves thro' the Head, of those that have been the longest there ; by which your Lordships will observe, they will incapacitate themselves from getting their Bread at home, rather than continue there.

*Q.* How



Ad. 15. Geo. II  
1741

*Q.* How lately were you told, that two Regiments were to be sent from hence, one to *Gibraltar*, and the other to *Minorca* ?

*A.* I think it was about a Month ago that I heard so.

*Q.* Who was it that told you so ?

*A.* I heard it from the Lords of his Majesty's Council.

*Q.* Did not you attend at a Committee of Council about three Weeks ago, touching Affairs relating to *Portmahon* ?

*A.* I did.

*Q.* How long have those Accidents been frequent ?

*A.* Those Accidents were frequent before I had the Honour to command in the Island ; and several of them have happen'd since I have been there.

*Q.* Did not you represent this some Time before you left the Island, in your Correspondence here ?

*A.* Upon my Word I can't be positive, but I think I did.

Then he was directed to withdraw, and being withdrawn accordingly, the Proposition made Yesterday was again stated, and the Question being put thereupon, it was resolv'd in the Negative, by 69 against 57.

An Address resolv'd on for Directions to the absent Officers to repair to their Posts at Minorca.

Then a Motion being made, That it appearing to this House that the Governor and Lieutenant-Governor of the Island of *Minorca*, and the Lieutenant-Governor of Fort *St. Philip*, and several other Officers upon the Establishment there, are now absent from the said Island, to the manifest Prejudice of the Publick Service ; Resolved that an humble Address be presented to his Majesty, to give Directions, that the Officers upon the Establishment who are absent, as aforesaid, do forthwith repair to their respective Posts ; and that his Majesty, out of his Royal Care of so important a Place, will be pleased to give the strictest Orders, that for the future to prevent any such Prejudice to the Publick Service, such a Number of the said Principal and other Officers, as shall be sufficient to perform the Services belonging to the Establishment, be constantly resident on the Place : The same was agreed to ; and order'd to be presented to his Majesty by the Lords with White Staves.

A Negative being put upon the first Motion, the following Protest was enter'd.

Protest on the former Motion relating thereto passing in the Negative.

*Dissentient*

I. Because we conceive, That as the Fact stated in the former Part of the Question, appear'd plainly from the Papers laid before this House by the proper Officer, and neither was nor could be controverted by any one Lord, the Censure contain'd in the latter Part of the Question was not only just, but as gentle as so evident a Neglect of so important

portant a Place, at so critical a Time, could possibly allow. The Principal, if not the only Argument made use of by those Lords who opposed the Motion was, That the Censure was general, and pointed at no particular Persons, which we rather apprehend to be a Proof of the Justice and Moderation of that Censure, as it could then only light upon the Guilty whoever they were ; and we are inclined to believe, that had the Censure been applied to any particular Persons, the contrary Argument would have been urged, and the Injustice of a particular Censure, without Proofs, sounded high ; tho' possibly at the same Time, the necessary Means of getting at those Proofs might have been render'd difficult : That out of Nineteen Officers paid upon the Establishment of *Minorca*, Fourteen were absent, among whom were the Governor, the Deputy-Governor, and the Governor of Fort *St Philip*, was a Fact disputed by none, tho the slightest Censure of it was oppos'd by the Majority of the House. We therefore hope that Posterity, to whom we thus appeal, will not only approve of our Conduct in this Motion, but will likewise, from the ill Success of it, find Reasons to excuse our not attempting many others of the like Nature.

II. Because, when we consider the tender Apprehensions of the Administration for the Island of *Minorca*, in the Year 1740, when, upon Information received that a few Troops were marching to the Coasts of *Catalonia*, and a few *Tartanes* assembled in the Port of *Barcelona*, Orders (possibly obscure from that Precipitation which the Emergency required) were sent to our Admirals in the *Mediterranean*, to provide immediately for the Defence of that Island, even by going there with their whole Force, if necessary ; by the Execution or Mistake of which Orders, the *Spanish* Squadron was suffered to sail from *Cadiz* to the *West Indies*, to the imminent Danger of our Fleets and Possessions there ; We cannot well account for that profound Security in which the Administration seem'd to be the last Year, with Regard to that valuable Possession, when an Embarkation of fourteen or fifteen thousand Men, and above two hundred Transport-ships was publicly preparing at *Barcelona*, and consequently within eight and forty Hours Sail of *Minorca*, which Embarkation soon after went undisturb'd to *Italy* : But we fear this inconsistent Conduct may give too much Credit for Insinuations lately scatter'd in Publick, that the *British* Ministers were as secure that *Minorca* would not be attack'd by the *Spaniards*, as the *Spanish* Ministers were that their Embarkation would sail to *Italy* undisturb'd by our Squadrons in the *Mediterranean*.

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1741.

III. Because it appears, That about the same Time that Major-General *Anstruther* left that Island, by Leave from the Secretary at War, which was on the 15th of *February* last, Admiral *Haddock* informs the Secretary of State, in a Letter of the 10th of the same Month, that by the latest Letters from Mr Consul *Birtles*, he mentions, " That a " *Spanish* Embarkation is actually intended, and tho' the " first Design was on a sudden dropp'd, the last Intelligence " declares the same to be renew'd again ;" which Information, we conceive, was sufficient to have excited greater Apprehensions for the Danger of that Island, than seem to have been entertained, since no one Step appears to have been taken thereupon for its Defence, or any Leave of Absence recalled ; but the whole Government was suffered to devolve to a Lieutenant-Colonel of one of the Regiments there.

IV. Because it appear'd by the Examination of Major-General *Anstruther* at the Bar, that when he left *Minorca* about the 15th of *February* last, above 700 Men were wanting to complete the Regiments there, and near the same Proportion of Officers absent: That the private Soldiers were so uneasy at having been there so long, that many destroyed themselves from Despair, and many maimed themselves to get discharg'd. That should the Island be attacked, the Inhabitants would, in his Opinion, certainly join the *Spaniards*: That in his Opinion too, the Island was always in Danger when our Enemies were superior in the *Mediterranean*, which has been for some Time, and is still the Case. All which Circumstances concur to prove the Danger, the Neglect, and the Justice of censuring such a Neglect, at such a Time.

V. Because it was said in the Debate by those whose high Stations best enable them to know, ' That a general Relaxation of Government, and Abuses of this Nature, were the ' Vices of the present Age.' A melancholy Truth ; which, we conceive, is so far from being an Argument for Impunity, that it evinces the Necessity, at least, of censuring such as we can attain to the Knowledge and Proofs of. And indeed we have but too much Reason to believe, that the several Abuses committed in the several Branches of the Government, unpunished at least if not conniv'd at, have already produc'd Effects too sensibly felt by this Nation ; which Abuses, from the Nature of Things, necessarily multiply themselves, and if not speedily check'd, must soon forge a Chain of reciprocal and criminal Dependency, too strong for even the Authority of this House to break, too heavy for the Constitution to bear.

VI.

VI. Because the Motion for an Address, offered in Lieu of this Question, in which the same Fact is stated in its full Extent, but without the least Censure annexed to it, is, in our Opinion, not only unprecedented, but inconsistent with the Honour and Dignity of this House, as it may seem calculated to screen the Guilt it avows; and as it may be thought to intimate future Impunity for publick Crimes, if balanced by private Ministerial Merit. Artifice may elude Inquiries, or prevent Detection; Lenity may censure a Crime, yet spare the Criminal; but Mankind, we fear, may be at a Loss to account for what Motives so criminal a Neglect, fully stated, proved and admitted, could escape without Censure; or may ascribe it to such as would affect the Reputation, and consequently lessen the Authority of this House.

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*Sandwich, Dunk Hallifax, Greenwich, Carlisle, Shaftsbury, Northampton, Mansel, Chesterfield, Leigh, Aylesbury, Falmouth, Craven, Talbot, Abington, Cobham, Ward, Bridgewater, St. John, Oxford and Mortimer, Exeter, Foley, Denbigh, Litchfield, Beaufort, Ric. Lic. & Co. (a) Suffolk, Haverham, Berkeley de Stratton, Westmoreland, Thanet, Bathurst, Ric. Lincoln' (b) Clinton, Hereford, Gower, Aylesford, Clifton, Macclesfield, Bedford.*

The Motion, which gave Rise to the foregoing Protest, Debate on the occasion'd a Debate, in which the Duke of Argyle spoke said Motion. to the following Effect;

*My Lords,*

‘ When I consider the Conduct of our Ancestors upon the like Occasions, the Evidence of the Neglect now under our Consideration, the Importance of the Place so grossly and so evidently neglected, the fatal Consequences that Neglect has been attended with, and the more fatal Consequences it might probably have been attended with, I must conclude, that no Censure was ever more just, no Censure was ever more moderate, no Censure was ever more necessary, than that contained in the Proposition now before you. The Island of *Minorca* has in every Circumstance been so much neglected for many Years past, that I am surpris'd at its remaining still in the Possession of *Great Britain*. The very Despair, which the poor Soldiers were drove to by being kept so long in the Island, without Hopes of being ever relieved, was of itself sufficient to endanger the Loss of that valuable Possession; for I wonder it has not before now made them

Speech there-  
upon by the D.  
of Argyle.

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mutiny,

(a) Dr Richard Smallbrooke.

(b) Dr Richard Reynolds.

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1741.

mutiny, and deliver the Island up to the *Spaniards*. It is happy for us that our Countrymen have generally a greater Love for their native Soil, and a greater Contempt of foreign Countries, than most other People have ; for it is this only, in my Opinion, that has preserved to us the Possession of *Atinorea*, and perhaps *Gibraltar* likewise. Considering how ill the Garrisons of both these Places have been treated, how long they have suffered under that Treatment, what little hopes they had of being ever relieved, and what Encouragement they had Reason to expect from the Enemy, it is surprising to me that both have not before now been delivered up to the *Spaniards*, either by a Mutiny among the Soldiers, or by the Treachery of some of the inferior Officers ; but as such Mutiny or Treachery would have disabled them from ever returning to their native Country, which they most earnestly wish for, and would have obliged them to live among *Spaniards* whom they most heartily despise, this alone, I believe, has prevented their being guilty of it.

‘ Whilst they have any Hopes of returning to their native Country, these Hopes, my Lords, will still prevent such a fatal Effect ; but if the Regiments in Garrison there should begin to lose all Hopes of being ever relieved, if they should begin to look upon themselves as fixt there for Life, it may very probably produce such an Effect, or it may induce them to make but a faint Resistance in Case an Enemy should come to attack them ; and the Absence of so many Officers necessary for the Defence of the Place may furnish those that are there with an Excuse for that faint Resistance. By such Means the Place might be lost, without leaving it in our Power to punish those that were immediately the Occasion of it. They would perhaps be made Prisoners by the Enemy, and would of course be set at Liberty upon the Conclusion of the next Treaty of Peace, which would furnish them with an Opportunity they could never otherwise have expected, I mean that of returning to their native Country ; for as no Slavery is admitted among *Christian* Potentates, we could not inflict that Punishment upon them, which *Regulus* advised the *Romans* to inflict upon the Army under his Command : If we did not exchange or redeem them during the War, the Enemy would of course discharge them upon the Conclusion of a Peace ; and upon their Return we could not in Justice punish them for suffering themselves to be relieved by an Enemy, from that Punishment, which had most unjustly been inflicted upon them by their Country. I say Punishment, my Lords, for to keep any  
Regiment

Regiment at *Portmahon* longer than their Turn of Duty requires, I must look on as a Sort of Punishment. It is a *Delegatio in Insulam*, which was one of the severest Punishments among the *Romans*, especially when it was during Life; and is a Punishment which ought to be inflicted upon no Man, unless he has been guilty of some very heinous Crime.

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‘ We have had it proved at our Bar, my Lords, how ill the common Soldiers brook their being kept so long from seeing a Sight of their native Country. Many of them have put an End to a wretched Life, rather than continue longer in what they look’d upon as an unjust and cruel Exile: Many others of them have maimed themselves, and thereby rendered themselves not only unfit for the Service, but unfit for getting their Bread at Home, rather than continue longer in the Place where they were; and the Deprivations of Provisions, chiefly occasioned by the Taxes and Prohibitions arbitrarily imposed by the Governors, must make it very inconvenient both for Soldiers and Officers confined to live in those Garrisons. We may from hence see, how dangerous it is to trust the Preservation of those important Places to Men who have no Hopes of ever seeing their Friends at Home, as long as those Places remain in our Possession; and the frequent Leave of Absence given to the Officers, and to such Numbers of them at a Time, must certainly add to this Danger, because it adds to the Discontent of the common Soldier, who can never expect Leave of Absence, and renders his Case more provokingly desperate.

‘ The Importance of the Island of *Minorca*, with respect to our Trade in every Part of the *Mediterranean*, is in itself so manifest, and has been upon former Occasions so clearly demonstrated to your Lordships, that I need not say much for proving what is so universally known and acknowledged. It must be allowed, that our Trade with *Barbary*, *Turky*, *Italy*, and the Coasts of *France* and *Spain*, situated in the *Mediterranean*, is of the utmost Consequence to this Nation; and to every one of these our Possession of *Minorca* is of great Importance, because it not only affords our ships a safe and convenient Port to refit or careen, and to refresh their Men; but it renders our Trade to every one of these Places more secure, and more difficult to be disturbed or interrupted by an Enemy. Ever since we had Possession of this Island, the Corsairs of *Algiers*, *Tunis*, and the other pyratrical Places upon the *Barbary* Coast, have been more tractable, and more shy of breaking with us.

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They know how easy it is for us, not only to send a powerful Squadron to the *Mediterranean*, but to keep it there, till we have compelled them to submit to our Terms. This makes them afraid of breaking with us, and, if by Chance they do, more ready to be reconciled: Whereas, should we lose this Possession, after having kept it so long, they would despise us more than ever they did heretofore, and would be ready upon every Occasion to come to an open Rupture with us. Consequently our Possession of *Minorca* must render our Trade in every Part of the *Mediterranean* more secure than it could otherwise be; and when we happen to be at War either with *France* or *Spain*, this Island will always be a great Advantage to us, by affording a safe Port for our Merchant Ships to run into, when chased by Privateers, and by enabling us to keep always, in the *Mediterranean*, a superior Squadron for protecting our Trade, and for infesting the Enemies Coasts, as well as destroying their Privateers.

But, my Lords, in case it should ever happen, as it probably may, that both *France* and *Spain* should unite in a War against us, the Possession of this Island would be of the utmost Consequence to our Trade in the *Mediterranean*: Nay, in this Case, it would be very difficult for us to carry on any Trade in that Sea without it; especially now that a Son of *Spain* is in Possession of the two *Sicilies*; for if *France* and *Spain* should declare against us, we could not expect that the King of the two *Sicilies* would long continue our Friend; and how the Ports of *Tuscany* may be disposed of at the End of the present War it is impossible to determine. In this Case it would be impossible for us to keep a superior Squadron in the *Mediterranean*, it would be dangerous even to send any such Squadron thither, because our capital Ships would have no Place of Safety to retire to in case of a Storm, nor any Place to refit and careen. The Bay of *Gibraltar*, since the *Spaniards* have been allowed to erect such Works upon it, is far from being a Place of Safety, nor can any capital Ship be careened in either of the Moles there; and if the King of *Portugal* should be overawed into such a Neutrality, as to refuse Admittance into his Ports for any Squadron of Ships of War, our Possession of *Gibraltar* would become precarious; for we could not always keep a superior Squadron there for his Defence, and the Enemy might take an Opportunity, in the Winter Time, if we had no such Squadron there, to attack the Place both by Sea and Land, and might carry it before we could, at that Season of the Year, send a Squadron from hence for its Relief; so that the Preservation of *Gibraltar*

tar depends upon our preserving *Minorca* : They came together, and they will certainly go together, or very soon after one another ; for an Administration that will neglect the one, will in all Probability equally neglect the other ; and while we preserve a Superiority at Sea in the *Mediterranean*, it is impossible we should lose either, unless it be by the Treachery, Neglect, or Misconduct of our Ministers.

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‘ Their Treachery, my Lords, you cannot prevent, but you may punish ; and you may prevent any fatal Effect from their Neglect or Misconduct, by being watchful to censure it as soon as it happens. And as what is proposed to be censured by this Motion, has something in it more criminal than meer Neglect : As no Officer can be absent without Leave, the giving of that Leave, or advising his Majesty to give that Leave to a great Number of them at a Time, is an Act which I think would be criminal even in Time of profound Peace ; but is much more heinously so, at a Time when we are in open War with that very Nation which lays Claim to this Island, and at a Time when that very Nation was preparing a formidable Embarkation at the Port which is the most convenient of any they have, for making an Invasion upon the Island of *Minorca*.

‘ At such a critical Conjunction, my Lords, the granting or continuing Leave of Absence to any one Officer belonging to that Garrison, is certainly criminal ; but at such a Time to grant or continue Leave of Absence to fourteen Officers out of nineteen, is what can be excused by nothing but a Confession, that our Ministers had, without his Majesty’s Authority, entered into Treaty with his Majesty’s Enemies, and had promised to allow them to sail undisturbed to attack his Majesty’s Allies in *Italy*, provided they engaged not to attack his Majesty’s Island of *Minorca*. This, I am convinced, is a Confession which our chief Minister will take care not to make : He certainly must remember, that to meet and treat with an Enemy, in a Time of open War, without any Authority from the Sovereign, was one of the Articles of Impeachment against the Earl of *Oxford*. But suppose he had such an Authority, I will say it was highly criminal to advise his Majesty to conclude any such Treaty, and still more criminal to advise his Majesty to trust so far to it, as to leave *Minorca* at such a Time without its full Complement of Officers and Soldiers ; for suppose the Enemy had broke through the Engagement, and had taken *Minorca* in their Way to *Italy*, would your Lordships have allowed any Minister to plead their Breach of Faith as an Excuse for his ridiculous Conduct ?



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1743

‘ I shall grant, my Lords, that four of the absent Officers belong to a Fort projected and intended to have been built in the Reign of the late Queen, but of which no one Stone is yet laid ; so that those Officers, if they had been there, could have had no particular Charge to take Care of ; but as the building of that Fort, I mean Fort *St. Anne*, would have added greatly to the Strength of that Island, according to the Opinion of the Lieutenant-Governor, who has been examined at your Bar, and, indeed, according to the Opinion of every Man of common Understanding that has ever been there, its not being built, nor so much as begun, in so many Years after its being first projected, is, in my Opinion, such a Neglect, that it seems to be a manifest Proof of our Ministers having had an Intention to surrender that Island up to the *Spaniards*, as soon as they could do it with any Safety to themselves. Thank God, they have been hitherto disappointed ; but I cannot, upon this Occasion, avoid observing, how fond our Ministers are of having Places and Commissions to dispose of among their Creatures and Tools ; for tho’ the Design of having this Fort built seems for many Years to have been entirely laid aside, yet they have taken Care to continue in Commission, and in full Pay, a Fort-Major, an Adjutant, a Surgeon, and a Surgeon’s Mate ; and I am, indeed, surpris’d, that they never took it into their Heads to appoint a Lieutenant-Governor of this invisible Fort ; for it would have been a good Sine-Cure Post for some of their Friends, and he surely might have lived here at home, with as much Safety to the Island, as the Lieutenant-Governor of Fort *St. Philip*, which is a Fort now in being, having been built by the *Spaniards*, before we got Possession of the Island. Of what Consequence this Lieutenant-Governor may be to the Safety of that Fort, I profess, I cannot determine ; but if he can be of no Consequence, I am sure, the Post ought not to be continued a Charge upon the Publick ; and if such an Officer can be of any Consequence to the Safety of the Place, it is certainly a great Neglect to allow him to be absent for a Number of Years, as he has been according to the Information your Lordships have had from the Gentleman examined at your Bar.

‘ Among the many other Neglects that have appeared in your Lordships Examination of this Affair, I cannot conclude, without taking Notice of the bad Disposition the Inhabitants seem to be in. The Lieutenant-Governor of the Island has told you, that, tho’ the Inhabitants of the Island be now much richer than they ever were, whilst under the Dominion

of

of the *Spaniards*, yet, in his Opinion, they would certainly join the *Spaniards* in case they should invade the Island. As this, my Lords, is a very extraordinary Circumstance, it must be owing either to the People's thinking themselves oppressed by us, or to their continuing bigotted to the Popish Religion. If to the former, it shews a very great Neglect in our Administration, which ought certainly to take Care to relieve the People from every Oppression they can have the least Reason to complain of ; and if it be owing to their continuing bigotted to the Popish Religion, this likewise must be owing to a Neglect in our Administration ; for tho' we are, by the Treaty of *Utrecht* between *Spain* and us, engaged to permit the free Use of the *Roman Catholick* Religion in that Island, yet we are no ways engaged not to take Measures for converting the Inhabitants to the Protestant Religion ; because the Clause, by which we are obliged to take Measures for preserving the *Roman Catholick* Religion there, has this express Proviso annexed to it. ' Provided the same be consistent with the Civil Government and Laws of *Great Britain* ; ' which every Body knows it is not. Therefore we might not only have taken Measures for reforming the Inhabitants, but we might have set up the Church of *England* as the established Religion of the Island, with an Indulgence to *Roman Catholics* as to the free Use of their Religion. If we had done this, and had taken Care to have able Divines and Preachers among them, most of the Inhabitants might by this Time have been true Members of the Church of *England*, which would have made them unite heartily with the Garrison against the *Spaniards*, instead of joining with them ; and would have been one of the most effectual Methods we could have taken for securing the Possession of that Island. But I do not hear that we ever took Care to have any one Protestant Preacher among them, or that we ever took any Method for converting the Inhabitants to our own Religion ; which is a Neglect that I wonder the Reverend Bench has not before now taken Care to see rectified ; for I must look upon it as a Reproach upon our Religion as well as upon our Politics.

' These, my Lords, and many others which I could mention, are Neglects or Omissions which very much affect the Security of that Island. If they were of a late Date, we might have some Hopes, that our Ministers would of themselves take Care to rectify them in Time to come ; but they have been so long continued, and so often repeated, that we can expect no Amendment, unless we enforce it by a Censure upon some of those that are past. The Neglect, or rather

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ther the Fact mentioned in the first Part of this Motion, is so evident, and so manifestly criminal, that it cannot be denied, nor can it be excused any other Way than by confessing what is still more criminal; therefore I cannot see how your Lordships can refuse to pass a Censure upon it. The Censure proposed, moderate as it is, will probably prevent the like for the future, and, I hope it will in every other Respect make our present, and all future Ministers, more careful to provide for the Safety of this Island, which is of such Importance to our Trade in every Part of the *Mediterranean*, and consequently to our Trade in every Part of the World; for there is such a Connection between the several Branches of our Trade, that no one of them can be lost without doing a Prejudice to every one of the rest, by putting it out of the Power of our Merchants to make a proper Sortment of the Cargoes they send out to foreign Markets, without being obliged to purchase several of the Commodities they have Occasion for at the second or third Hand, instead of purchasing them at the first, which they will always do as long as we have a free and open Trade with every Part of the World.

Then the Lord Chancellor spoke to the following Purpose:

Lord Hardwicke.

*My Lords,*

‘ I shall readily admit, that the Island now under our Consideration, is of considerable Importance to our Trade, and consequently to the Riches and Strength of this Nation; but yet I must think, that the Importance of it has been a little exaggerated in this Debate; for I cannot be of Opinion, that without having Possession of this Island, we could not keep *Gibraltar*, nor carry on any Trade in the *Mediterranean*. Before we had Possession either of this Island or *Gibraltar*, we carried on as extensive Trade, I believe, in the *Mediterranean*, as we have ever done since; and tho’ *France* and *Spain* were united in a War against us, and for some Time in Possession of the two *Sicilies* as well as the Island of *Minorca*, yet we preserved our Possession of *Gibraltar*, and defeated their most vigorous Efforts against it, at a Time when it was not near so well fortified, nor so well provided as it is now. Therefore, my Lords, tho’ there is good Reason to consider the Island of *Minorca* as a Place of Importance, yet it is not of such Vast Importance as it has been represented in this Debate.

‘ However, my Lords, as it is a Place of Importance, and as the Honour as well as Interest of this Nation is concerned

cerned in its Preservation, if it had been neglected, and that Neglect should be laid in a proper Manner before this House, I should readily join in censuring those Persons who, upon a due Inquiry and full Proof, should appear to have been guilty of that Neglect; but I cannot join in the Censure now proposed, because I am not convinced, that the Place has been any Way neglected; because I do not think, that those Things alledged to be Neglects, have been in a proper Manner laid before us; and because I shall always be against general Censures, on account of their loading the Innocent equally with the Guilty. With regard to those Things that have been alledged as Neglects, they consist, I think, in keeping some of the Regiments too long there; in giving Leave of Absence to too many Officers at a Time; in not having before this Time erected the intended Fort called *St. Anne*; and in not having taken Measures for converting the Inhabitants to the Protestant Religion; for as to the Inhabitants being under any Sort of Oppression, tho' it has been insinuated as a Presumption, no particular Act of Oppression has, I think, been so much as alledged.

Tho' I do not pretend to understand much of the Military, yet as I must examine into it, so far as I am able, before I can form my Judgment, or give my Vote in this Question, I shall beg Leave to examine these several Instances of Neglect: And in the Course of that Examination I shall endeavour to shew to your Lordships, that no one of them has been properly and fully laid before this House. With regard to the keeping of some of the Regiments so long upon the Island, I really do think, and I am in Charity bound to believe, that it has always proceeded from a very laudable Design, a Design to save the publick Money; and not from any Negligence, much less from a Design to expose the Island to any Danger of being delivered up to the Enemy. We all know, that the transporting of a Regiment to *Minorca*, and bringing another from thence, must at all Times be attended with a very great Expence to the Publick, which if possible ought certainly to be saved; and the Difference between a Soldier's serving at home, where he has seldom or never the Pleasure of seeing any of his Friends or Relations, and his serving in *Minorca*, is not, I think, so great as to make it an insufferable Hardship upon a Regiment, to keep it continually, or for a great Number of Years, in *Minorca*; at least it will never be thought such a Hardship by the Soldiers as to occasion their mutinying and delivering the Island up to the Enemy, whereby they would lose all Hopes of ever returning to, or being provided for

by

An 15. Geo. II.

1741.

An. 15. Geo. II. by their native Country, even after their being grown old  
 1741. and decrepid, which they are sure of, if they serve out their  
 Time with Fidelity and Courage.

‘ This Consideration, my Lords, will always secure the Island against any Danger from a Mutiny amongst the Soldiers, even supposing the Regiments now there were never to be relieved; and as to their being thereby induced to make but a faint Resistance in Case of an Attack, I hope, we may depend upon our being secured against this Event by the natural Courage of our Men, and their general Aversion to the Character of a Coward. But we have another Security against this Event, which is the Punishment both the Officers and Soldiers might be subjected to, by the Martial Law, upon their returning to their own Country, either by being redeemed during the Continuance of the War, or by their returning upon the Conclusion of a Peace; for, I hope, it will not be said, that we cannot, in this as well as in other Countries, punish both Officers and Soldiers for Cowardice or Neglect of Duty.

‘ As for the Instances of Soldiers maiming themselves, or, perhaps, shooting themselves through the Head, many of these Instances may have proceeded from their being tired of the Service, or from their conceiving some Disgust at their Commanding Officer, as well as from their Despair at being continued so long in that Island; for as in that Island there is no Possibility of deserting, the Irksomeness they are under, or the Disgust they have conceived, must operate strongly upon their Minds, and may often produce such cruel Effects. Even here at Home if there were no Possibility of Deserting, I make no doubt but we should often hear of such Maimings and Self-murders. In this I am confirmed by the many Instances we have of Desertion here at home, notwithstanding the severe Penalty that attends it; for a Fellow that will risk being shot for Desertion, rather than continue longer in the Service, or longer under the Command of such an Officer, would very probably shoot himself through the Head, or by Maiming render himself unfit for the Service, if he found there was no Possibility of Deserting. These are Inconveniences which must be endured, because they cannot be prevented; for surely our Government is not to give a Soldier Leave to draw his Discharge, whenever he is pleased to become tired of the Service, or to conceive any Disgust against his Officer; and much less are they to put the Publick to the Expence of bringing a Regiment home from *Minorca*, and sending another in its Place, whenever any of the Soldiers conceive an Aversion

Aversion to the Service, to their Officers, or to the Place An. 15. Geo. II  
 where they are. 1741

‘ My Lords, we have several Regiments and Independent Companies in *America*, and very probably we may, for the future, be obliged to keep more there than we have ever done heretofore : Is there not the same Reason for relieving those Regiments and Independent Companies, by sending others in their Stead from Time to Time, that there is for relieving the Regiments in *Garrison* at *Minorca* ? I believe it will be allowed, that the Service is as hard and dangerous and much more inconvenient in every Part of *America*, than it is in *Minorca* ; but it would be so inconvenient, and so expensive to the Publick, to give our Army their Turn of Duty upon such Service, that no Man, I believe, will ever pretend, it ought or can be done ; and therefore it must be allowed as an established Maxim, that every Man that inlists in the Army, is patiently to submit to his Lot, and to serve in any Part of the World where the Regiment or Company in which he engages, is appointed to serve by our Government ; and he is to serve there as long as our Government shall think fit to continue in that Place the Regiment or Company to which he belongs.

‘ But suppose, my Lords, it were a Fault to continue a Regiment for a great Number of Years upon Duty in *Minorca* : Suppose it were such a Fault as ought to be censured by this House, unless some good Reasons could be given for shewing that it was unavoidable ; yet surely some such Reasons may be given : We cannot suppose the Thing impossible ; and therefore I must think the Affair has not been brought before us in such a Manner as to enable us to form any Judgment, much less to pass any Censure upon it ; for surely we ought to have had the Secretary at War before us, or such Persons as could best inform us, what were the Reasons for keeping those Regiments so long in that Place.

‘ Thus, I hope, I have made it appear to your Lordships, that the keeping of the same Regiments for a Number of Years in *Minorca*, is either no Fault, or not as yet brought before us in a proper Manner ; and as to giving Leave of Absence to too great a Number of Officers at a Time, I believe the Case will appear in much the same Light. I shall grant, that to give Leave to too great a Number of those Officers that are absolutely necessary for the Defence of the *Garrison*, to be absent at one and the same Time, would be a very great Fault ; but that this has ever been done, I think, there is at present no Proof before

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us; and as I really think the Method of stating the Fact in the first Part of this Motion a little captious, I think it inconsistent with the Dignity of this House to agree to it. There is a great Number of Officers belonging to the Garrison and Troops in *Minorca*; for what I know their Number may amount to near 300: And therefore I do not think it quite fair to state the Fact as it is in the Motion, that out of nineteen Officers there are but five present. Why, my Lords, is the Number nineteen mention'd as if that were the whole Number of Officers belonging to the Place? It would have been, I think, more fair to have mentioned the whole Number of Officers belonging to the Garrison and Troops, and the whole Number absent. If the Fact had been stated in this Method, the Proportion between the Number absent and the Number present would not have appeared near so great: It would have appeared that the Number present was vastly greater than the Number absent; and from thence one may see the Reason why the Fact has been stated as it now appears upon the Face of this Question, which is, in my Opinion, a very strong Reason why your Lordships should not agree to it.

But now, my Lords, with regard to those Officers who have been proved at your Bar to be absent; there is not one of them whose Presence seems to me to be absolutely necessary for the Defence of the Place; and if it should be attacked, I believe, it would be successfully defended, tho' no one of them should be able to get thither during the whole Time of the Attack. The Gentleman who has now the Command, is a Brigadier-General and Colonel of a Regiment in your Service, and is a Gentleman of an established Character both as to his Honour and Military Knowledge; so that the Place could no way suffer by the Absence of its Governor and Lieutenant-Governor; and the Places of all the rest are supplied by Deputies, or by other Officers, who have done and can do the Business equally well as if they themselves were present upon the Spot.

The Leave of Absence therefore given to these Officers, cannot, be look'd on as any Fault, and much less deserving your Lordships Censure; but suppose there were more of the Officers absent than there are; our Superiority at Sea will always be an Excuse for indulging those Officers with Leave of Absence, whose Health or private Affairs require their Presence at home; for while we retain this Superiority at Sea, it will always be in your Power to send them back as soon as we find it necessary; and if ever we should be so unfortunate as to lose this Superiority, the  
Presence

Presence of our Officers would be of little Service : It would contribute only to increase the Triumph of our Enemies and the Disgrace of our Country ; for it would be impossible for us to preserve the Possession of that Island ; and therefore, if we should ever happen to be in such an unfortunate Situation, instead of sending the absent Officers thither I should be for deserting the Island, and calling home as soon as possible both the Officers and Men we happened then to have upon that Island ; for in such a Case, we should have Occasion for all our Officers and all our Men for defending our last Stake the Island of *Great Britain*.

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‘ I find, my Lords, it has been insisted on in this Debate, as a great Aggravation of the Crime, that Leave of Absence has been granted or continued to so many Officers at a Time when we are in open War against *Spain*. My Lords, if we consider that we have a Squadron in the *Mediterranean* superior to any the Enemy can fit out to Sea, and that we should always, I hope, have such a Squadron there at such a Time, we must conclude, that we may always depend more securely upon the Island of *Minorca*’s not being attacked in Time of War, than we can depend upon its not being attacked in Time of profound Peace, when we have no such Squadron in the *Mediterranean* ; and therefore, if it were really true, and fully proved, that Leave of Absence had been unnecessarily granted and continued to too great a Number of Officers, its being a Time of War would be an Extenuation rather than an Aggravation of that Crime ; so that this Circumstance ought to make us the more cautious of proceeding to a Censure of such Conduct.

‘ But suppose, my Lords, it had been made appear, that all the absent Officers are necessary for the Defence of the Place, or that if it had been attacked, it would have run a Risk of being lost, by the Absence of such a Number of them ; yet before you can proceed to Censure, you ought, I think, to have the several Leaves laid before you and the Reasons for granting or continuing every one of them ; for if the Health of the Officers was such that their Presence could have been of no Signification, the granting them Leave of Absence can be imputed to no Man as a Crime ; therefore, I think, it is evident, that this Affair has not as yet been laid before you in such a proper Manner, as can warrant your Censuring the Conduct of our Ministers in this Respect.

‘ I come next, my Lords, to consider the Complaint against the Conduct of our Ministers, in not having credited



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ed and finish'd the intended Fort called *St Anne*; and here, indeed, I should have been very much surpris'd, if any Censure had been propos'd; for we have nothing before us relating to it, but the Opinion of one single Gentleman. His Opinion I have, indeed, a very great Regard for; but even his Opinion goes no farther than to say, that it would render the Conquest of the Island more difficult for an invading Enemy, because they must bring a greater Force against it, in which every Man must concur with him; for the more Fortifications, and the greater Number of Troops we have there, the Conquest will certainly be the more difficult for an invading Enemy. But this is not the Question: The Question is, whether the Forts and Troops we have there, are sufficient for defending the Island, or at least the Town of *Portmahon*, against such a small Force as may be carried there at unawares, till we have Time to send a Squadron from hence with a sufficient Force for its Relief. If this be the Case, our Ministers have been in the Right not to put the Nation to the Expence of erecting any new Forts; but this is a Question we cannot now determine: For this Purpose we ought certainly to have an exact Plan of the Island, with all its Fortifications, laid before us, and we ought to examine several Officers and Engineers that have been there, in order to have their several Opinions, and the Reasons given by each Man for his Opinion.'

'And suppose, my Lords, that upon such an Examination it should appear, that the finishing of Fort *St Anne* was a Work that was extremely necessary for the Security of the Island even against a sudden and unforeseen Invasion, yet our Ministers might still have a very good Excuse for deferring to put the Nation to that Expence; because they have been of late Years so much oppos'd by a strong Party in Parliament, and every Article of publick Expence so much misrepresented to the People, that I do not wonder at their having been shy of adding to that Expence, by any new Undertakings at a Place so distant as *Minorca*; so that if the Island should be lost for want of such additional Fortifications, those who seem to be the Advocates for this Motion, would have more Reason to censure their own Conduct, than they could have for censuring the Conduct of our Ministers.'

'The last Complaint, my Lords, I have to take Notice of, is that which relates to our not having taken Measures for converting the Inhabitants of *Minorca* to our own Religion. If this could have been done, I shall grant, it would have been a very desirable Thing; but I never heard that the Ministers in any Country set themselves up as Reformers of

of Religion, and much less that they were ever censur'd for An. 15. Geo. II. not doing so. Besides, I cannot really at present take upon me to determine, how far this would have been consistent with our Engagements in the Treaty of *Utrecht*. I know, it is inconsistent with the Civil Government and Laws of *Great Britain*; to take Measures for preserving the *Roman Catholick* Religion in any Part of this Island; but I doubt of its being inconsistent, either with our Civil Government or Laws, to preserve that Religion in the Island of *Minorca*. We have made no Law, I think, against Papists, since we got Possession of that Island, and I do not at present recollect any Law made before that Time, that forbids our preserving, or even establishing the *Roman Catholick* Religion in any new Conquest we might make. Therefore, if we had taken Measures for reforming the Inhabitants of that Island, and rooting the *Roman Catholick* Religion out of it, which would have been the Consequence of converting all the Inhabitants to our own Religion, the *Spanish* Court would have had some Reason to charge us with a Breach of Faith, and a Forfeiture of our Right to that Island, by a Breach of the Condition upon which it was yielded to us.

To this I must add, my Lords, that if we consider the natural Obstinacy of the *Spaniards*, and their firm Attachment to their own Religion, we shall find great Reason to question, whether we could have met with any Success in this converting Scheme; and if we had met with little or no Success, the Attempt would have entirely alienated the Minds of the Inhabitants, and would have made them more fond of returning under the Dominion of *Spain*, than at present we can suppose them to be; so that if our Ministers had made any such Attempt, (which by the bye must have put us to a good deal of Expence, and had met with little or no Success in that Attempt, which in all Probability would have been the Case) I am convinced, the Question now before us would have been, to censure their Conduct for having alienated the Minds of the People of *Minorca*, by entering upon such a Chimerical Undertaking.

I hope, my Lords, I have now shewn that there is no solid Ground for the Censure propos'd by this Motion, nor for any of the other Complaints that have been made against the Conduct of our Administration, with Regard to the Island of *Minorca*; but suppose it were otherwise, I should be against such a general Censure as is proposed by the Question now before us. If there has been any Neglect: If there has been any Fault, or any Crime committed, some particular Persons must be guilty. Let us enter into a strict

Inqui-

An. 15. Geo. II 1741. Inquiry : Let us call the suspected Persons before us, that they may have an Opportunity to answer for themselves ; and if they can neither justify nor excuse their Conduct, let us censure, let us punish them according to their Deserts. By this Means our Censure or Punishment will fall where it ought, upon the Guilty alone ; and the Characters of the Innocent will be clear'd from Suspicion. These are the two Ends we ought to propose in all our Inquiries ; whereas by the general Censure now proposed, the Guilty may escape that Punishment they deserve, and the Innocent will be loaded with a Suspicion of having neglected the Honour and Interest of their Country.

*This reasoning is extremely weak, his opponent answered it homely — viz. take. p. 80 — 85. of Lds. Pro. test.*

‘ But, my Lords, if we were to enter into such an Inquiry as I have mentioned, we ought to consider the Times we are in, and the ticklish Situation those that are at the Head of our Affairs must always be in. A general Relaxation of Government, or at least of that severe Discipline which is kept up in arbitrary Countries, seems at present to be the reigning Vice in this Kingdom ; and considering the Nature of our Constitution, it is very difficult for our Ministers to rectify or put a Stop to it. They must have the Concurrence of two very numerous Assemblies in all their Measures : They must have the good Will of both those Assemblies, or, at least, of a Majority in each, even for their own Safety and Protection ; and therefore they must be extremely cautious of disobliging any Man that has a Vote in either of those Assemblies, or a great Interest at any Election. If they refuse any such Man an Indulgence when he thinks it may be granted with Safety to the Publick ; if they impose upon him any more exact or severe Discipline than he thinks necessary for the publick Service, he looks upon it as a personal Injury, and from that Moment resolves to join with the Opposition both in Parliament and at Elections. Therefore if our Ministers do connive a little at Things, which in an arbitrary Government would be look'd on as Neglects of Duty : If they do advise his Majesty to grant some such Indulgences as might safely, and would certainly be denied by an Absolute Monarch, such Complaisance ought not in them to be look'd on as criminal. It is an Inconvenience necessarily attending our happy Constitution, and an Inconvenience which they must submit to, for the Sake of carrying on the necessary Ends of Government, as well as for their own Safety and Protection.

‘ When we consider these Things, my Lords, I do not think, we can suppose, there has been any Neglect, with regard to the Island of *Minorca*, that deserves a Parliamentary

tary Inquiry, much less a Parliamentary Censure ; and as we have had no sufficient previous Inquiry, for giving a Foundation to such a Censure as is proposed by this Motion, I hope, your Lordships will join with me in putting a Negative upon the Motion.

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The Earl of *Chesterfield* stood up, and spoke as follows :

*My Lords,*

‘ I am very much surprised, the noble and learned Lord should so far mistake the Intention of this Motion, and the usual Method of proceeding in this House, as he seems to do in what he has been pleased to say upon the Subject. The Motion now before us is not intended as a Censure upon Persons, either in General or Particular ; and if your Lordships intend to make any proper Inquiry into this Affair, what is now proposed is absolutely necessary as a previous Step to that Inquiry ; for as the Character of the Fact is a little doubtful, I mean as to its being culpable or no, it is absolutely necessary your Lordships should determine this Question, before any Lord can stand up in his Place, and propose a regular Inquiry into it. Surely your Lordships would not, nor can any Lord propose you should, give yourselves the Trouble to enquire into a Fact, which, in your Opinion, is not in the least culpable, even tho’ it should appear to be true in every Particular, and should be brought home to the Door of its true Father. The Inquiry hitherto made, has only been to know, whether such a Fact really existed : By that Inquiry you find it does : You have had it fully proved by the Papers upon the Table, and by the Examination of a Gentleman at your Bar, whose Knowledge, Honour, or Veracity, I dare say, not one of your Lordships will question ; and now some Lords in this House, of whom I am proud of being one, who think this Fact highly culpable, desire by this Motion to know, if your Lordships are of the same Opinion. If your Lordships join with us in Opinion, with relation to this Fact and some others that have been mentioned, to be sure the next Step will be a Motion for a regular Inquiry into the whole Affair, in order to find out the Persons who have been guilty of such dangerous Neglects ; and if they can no Way justify themselves, I hope, your Lordships will proceed a little farther than a bare Censure upon their Conduct.

‘ Having thus, my Lords, stated in a fair and clear Light the true Design, and the Necessity of this Motion, I must next remove the Objection made by the learned Lord, of its being captious and unfair to state the Affair in the Man-

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ner in which it is stated in this Motion ; for upon due Consideration it will appear, that to have stated it in any other Manner would have been unfair, and would have bred Confusion. In every Garrison, my Lords, there are two Sorts of Officers, one of which properly belong to the Place, and the other to the Troops upon Duty in that Garrison. The former always remain, or at least ought to remain in the Place, whereas the others are often removing and changing ; because the Regiments they belong to are sometimes in one Garrison, and sometimes in another. As the Condition of these two Sorts of Officers is very different, it would therefore have been both unfair and irregular to have confounded them together in one Motion, and would certainly have been most reasonably objected to. For this Reason it was thought necessary to consider them distinctly ; and as our Inquiry relates to *Minorca*, it was certainly right to begin with that Sort of Officers which properly belong to that Island. Of this Sort there are *nineteen*, and of these *nineteen* we find there are no less than *fourteen* absent. This is the Reason for stating the Fact as it is in the Motion, and I appeal to your Lordships, if it could fairly and regularly have been stated in any other Manner. If your Lordships agree to this Motion, it may then be proper to consider how many Officers are absent, and how many Men are wanting, in the Regiments upon Duty there ; but if your Lordships do not think it blame-worthy to allow *fourteen* Officers out of *nineteen* to be absent at such a critical Time, that is to say, if you do not agree to this Motion, I am sure, I shall not desire to trouble you with any more Questions upon this Subject. However, I think I am in Duty obliged to forewarn your Lordships, that if ever this Nation should be lost by any future Neglect, the whole Nation will impute the Loss to your having put a Negative at this Time upon such a Motion, which is an Imputation your Lordships ought, I think, to take Care to prevent ; for after the Loss is incurred, no Punishment, you can inflict upon the Persons guilty, will be an Attonement for your former Indifference, which will be considered as the original Cause of this Loss.

‘ I shall now, my Lords, beg Leave to consider what the noble and learned Lord has been pleased to say, in Excuse for allowing so many Officers properly belonging to the Place to be absent at this Time. In Excuse for the Absence of the Governor, and Lieutenant-Governor, he has been pleased to give us, I believe, a very just Character of the Gentleman who commands there ; and says, that this Gentleman, besides his own proper Duty, will do the Duty both of Governor and

and Lieutenant-Governor equally well as if they were present. If it were possible to suppose this, why should the Nation be put to the Expence of a large Salary to a Governor, and another large Salary to a Lieutenant-Governor ? But, my Lords, it is not possible to make such a Supposition : The Nation is in the right to grant those Salaries, in order to induce Gentlemen of Fortune, as well as Distinction, to go over and take the Command upon them ; because their Fortunes at home will be a Pledge for their Fidelity abroad, and their Distinction will set them above any Temptation the Enemy can offer. We may be secure perhaps ; I believe we are, in the Honour and Fidelity of the Gentleman who is now Chief in Command there ; but he may die suddenly, or in case of an Attack he may be killed, and then the chief Command will devolve upon a Colonel, perhaps a Lieutenant-Colonel of a marching Regiment, who may perhaps be a meer Soldier of Fortune ; and what Effect the Promise of a great Estate and great Honours in *Spain*, with a considerable Rank in their Army, may have upon such a Man, no one can tell ; from whence it is plain that the Island cannot be so safe in the Absence of the Governor and Lieutenant-Governor, as it would be, were they both, or one of them present.

‘ Then, my Lords, as to the other absent Officers, it is said, that their Duty is perform’d by Deputies or by other Officers, equally well as if they were present. If this were true, I am sure, it would be a good Reason for freeing the Publick from the Expence of maintaining them, which would not be a very agreeable Doctrine to our Minister ; and therefore I am surpris’d, that his Friends should afford such a Foundation for it. But luckily for him the Thing is impossible : It is impossible that a Garrison can be as well served by a Surgeon’s Mate, as by a Surgeon and his Mate, especially if it were attacked, and many wounded Men to take Care of ; and it is impossible to suppose, the Nation can put as much Trust in a low Fellow that will serve as a Deputy, as it may do in the Principal. I shall grant, that the Place of those Officers belonging to the invisible Fort, may be easily supplied, because they have as yet no Duty to perform ; but if they were there, they would serve as so many Supernumeraries ; and surely a Place that is besieged may be the better defended, the more Supernumeraries it has, unless it be to be taken by starving.

‘ The Place is therefore in every respect the weaker, the more Officers are absent ; and to say, that we may more certainly depend upon not being attacked in Time of War than in

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Time of Peace, is something very extraordinary. I have often heard it advanced by some Lords, in Time of Peace, as an Argument for not reducing our Army, that we are more in Danger of an Invasion here at home, in Time of Peace than in Time of War; but I never heard it said by those Lords in Time of War, that we might reduce our Army, because at such a Time we have always a superior Squadron ready to defend us against an Invasion. On the contrary, those very Lords are always upon such an Occasion for augmenting our Army, because we cannot put an entire Confidence in our superior Squadron; and why there should be such a Difference of Sentiments with regard to the Safety of the Island of *Minorca* in Time of War, I cannot comprehend. But luckily for this Argument, my Lords, we very lately found we had not a superior Squadron in the *Mediterranean*; for if Admiral *Haddock* had been superior, or but near equal to the united Squadrons of *France* and *Spain*, I am sure, he would have attacked them: He would have disdained to allow any *French* Admiral to tell him, 'You shall not attack the declared Enemies of your Country, because they are under my Protection.' This is a Demonstration, that in Time of War we cannot always depend upon having a superior Squadron in the *Mediterranean*, unless our Ministers have better Intelligence than they seem to have had upon that Occasion.


For this Reason, my Lords, we ought both in Time of War and in Time of Peace, but especially in Time of War, to have the Garrison of *Minorca* fully provided with Officers as well as Men; and therefore it must be allowed to have been a heinous Neglect, to permit so many Officers to be absent at a Time of such imminent Danger. The Want of Health in the absent Officers can be no Excuse for this Neglect; because, if they could not return to their Duty, others ought to have been sent in their stead. There can be no Excuse for this Neglect: Not even a Stipulation with the *French*, that they would not allow the *Spaniards* to attack *Minorca*; for, I am sure, it would be very unwise in a *British* Minister, to leave our Possession of that Island depending upon the Faith of a *French* Treaty. But if it could be supposed possible to form an Excuse, it is no Argument against this Motion; because this Motion is but a previous Step to an Enquiry, and we must judge of the Fact as it now appears to us. If upon the Result of an Inquiry the Persons accused can alledge any Thing in their own Vindication, we shall then have an Opportunity to consider it, and I am sure, your Lordships will hear it with Candour, and judge of it with Impartiality.

What

‘ What I have said, my Lords, would, I think, be sufficient for justifying the Motion now before you ; but as several other Complaints have been made, and as the noble and learned Lord has endeavoured to answer those Complaints, I shall beg leave to make a few Observations upon his Answers. The Complaint against keeping some Regiments there for such a great Number of Years, is a most just one ; not only on account of their being so long kept out of their own native Country, but on account of the extraordinary Expence both Officers and Soldiers are put to. The latter, indeed, cannot increase their Expence, but they must diminish in the Quantity or Quality of their Consumption ; for as all Sorts of Provisions are dearer there than in their Mother-Country, generally occasioned by the Taxes and Prohibitions imposed by their Governors ; as their Pay is no higher than it would be here at home, they must eat and drink less, or of a worse Quality, than they need do here at home. This is a Grievance in common both to the Officers and Soldiers ; but with regard to the Officers, they have another, and a most insufferable Grievance to complain of ; for tho’ their recruiting Fund be no larger than what is allowed to the Regiments here at home, yet the Gentleman who has been examined at our Bar has told you, and, indeed, everyone knows, that the recruiting of a Company at *Minorca* costs the Captain ten Times as much as it would do if his Regiment were in *Britain* or *Ireland* ; so that I wonder we do not hear of some of the Captains, as well as the common Men, shooting themselves through the Head, on account of the Regiments being kept so long in that Island.

‘ The noble Lord says, these Accidents are owing to its being impossible for Men to desert from the Regiments in that Island ; that such Accidents would be as frequent at home, were it as impossible for Men to desert ; and that this is an Inconvenience attending the Service, which must be endured because it cannot be prevented. My Lords, we may at least afford the common Soldiers in *Minorca*, once in seven Years, an Opportunity to desert, by bringing them home to their own Country : But here even at home the Inconvenience may be prevented : The noble Lord knows, that a Remedy has been proposed in Parliament ; and he likewise knows by whose Influence that Remedy was rejected. I mean, that of giving every Soldier a Liberty, under proper Restrictions, to draw his own Discharge, after a certain Number of Years Service. This would prevent the cruel Effects of that Despair which Soldiers are often drove to, by being tied for Life not only to serve but to serve under the Command of an



An. 15. Geo. II. 1741.  Officer who treats them ill. This is really a most terrible Hardship, and a Hardship which is a Scandal upon our Government. We boast, my Lords, in this Country of our being Freemen, and reproach the *French* with their being Slaves ; but I will say, that while this Hardship remains, an *English* Soldier, is much more a Slave than any Soldier in *France* can be, or ever is made ; and, I think it is a most preposterous Regulation in a free Country, to make Slaves of those who are to defend the Liberties of their Country.

‘ I shall grant, my Lords, that the transporting a Regiment to *Minorca*, and bringing another from thence, must always be attended with a publick Expence ; but let it be what Expence it will, it ought to be done, both for the Sake of our Soldiers, and for the Sake of preserving that Island ; for it will certainly be an Inducement to the Soldiers there, to make but a faint Resistance against an invading Enemy, when they believe they have no other Chance for ever getting home to their native Country. And tho’ there may have been a little Saving of publick Money, by keeping the same Regiments at *Minorca* for a great Number of Years ; yet I cannot impute their being kept there to a Motive of Saving, in those who have been so lavish of publick Money in every other Respect. Neither Reason nor Charity can induce me to believe, that a known Prodigal saves a necessary Expence, from a mere Motive of Saving ; especially when several other Motives may be assigned.

‘ The Case is the same, my Lords, with regard to the intended Fort called *St. Anne* : Our not having added to the Strength of the Island by erecting that Fort, cannot, I am sure, be ascribed to any Motive of saving the publick Money, in those who have thrown so much away in building unnecessary Castles at Home, and who have continued in Pay, for such a Number of Years, the Officers designed for that intended Fort. But the building of such a Fort was not, it seems thought necessary : I do not know, my Lords, what our wise Ministers thought ; but every Man who has ever had a Description of that Island thinks otherwise. It is a known Truth, and may too soon, I fear, be found by Experience to be so, that if any Enemy should land with a sufficient Army in the Island, our Garrison at *Portmahon* would be obliged to surrender, before we could have an Account here, of any Enemy’s being landed in that Island. It is therefore extremely necessary to have this Fort erected ; and the more so, because, we know that the Inhabitants have not a good Disposition towards us.

‘ How

‘ How this comes to be so, I shall not now pretend to determine ; but, I think, it is well worth our Inquiry ; and it is very certain, that if the Inhabitants had been mostly converted to the Protestant Religion, we could have more safely depended upon their Fidelity. This we might have attempted, notwithstanding our Engagements by the Treaty of *Utrecht* to preserve the *Roman Catholick* Religion in that Island ; for I must differ from the learned Lord upon this Head : I must think, that the Proviso renders the Engagement void, and was for that very Purpose added by our then Ministers, who were as able Negotiators as any we have had since. To take Measures for preserving the *Roman Catholick* Religion in a new Conquest may not be against any express Statute, but, I am sure, it is inconsistent with our Religion and Conscience : I appeal to the Reverend Bench if it is not ; and I cannot think that what is inconsistent with our Religion and Conscience, can be consistent with our Laws or Civil Government. I shall grant, indeed, that we have not of late Years made any new and severe Laws against *Papists* ; for their Religion has been more indulged by our present Minister, than ever it was by any Minister since the Reformation ; tho’ I must observe, that the learned Lord seems to forget the Swearing Act, when he says, that no Law has been lately made against *Papists*. But whatever we may do here at Home, we ought to take all possible Measures for having as many Protestants as we can upon the Island of *Minorca*, because the *Roman Catholicks* there, especially the old Inhabitants that continue in that Religion, will always have an Inclination to return under the Dominion of the *Spaniard*.

‘ I come now, my Lords, to the last Argument made use of by the noble Lord, as an Excuse for all the Neglects our Ministers have been guilty of. He says, they cannot refuse Favours to, or enforce a strict Observance of Duty upon, any Officer who has a Vote in Parliament or an Interest at Elections, because it would make him join the Opposition against them. My Lords, they must be weak Ministers who are possessed with any such Fears : If those in the Administration take Care to pursue wisely and steadily the true Interest of the Nation, they may despise any Opposition that proceeds from private Pique or Resentment. But if there were any Thing of Weight in this Argument, would it not, my Lords, be a strong Argument for excluding all, or most Officers or Placemen, from having Seats in Parliament, and for prohibiting them to vote or make Interest at any Election. Thus it has fallen out very unluckily in this

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this Debate, that almost every Argument made use of against this Motion, happens to be an Argument in Favour of something our Ministers have upon former Occasions shewn themselves averse to.'

' Having thus, I hope, fully answered every Thing that has been said against the Motion, or in Excuse for the Neglects complained of, I shall conclude with an Observation or two upon the Importance of this Island, which the noble Lord seems to think not so important as has been represented. I shall grant, my Lords, we had a Trade in the *Mediterranean*, perhaps larger than we have now, before we had Possession of this Island; but I will insist upon it, that we never had before such an extensive or such a free Navigation in that Sea, as we have had since. It is well known, that before we got Possession of *Minorca* and *Gibraltar*, our Navigation in the *Mediterranean* was almost continually infested by the Pirates of *Morocco* and the *Barbary Coast*; infomuch that we were obliged to make Laws for obliging the Masters of our Merchant-Ships to fight those Pirates: And our Ships employed in the *Mediterranean* Trade were generally large Ships, and provided both with Men and Guns for fighting, which was a great Expence to our Merchants, and a great Burthen upon our Trade. Whereas, since we got Possession of those two Places, those Pirates have been, I may say, constantly at Peace with us; so that we soon became the only Carriers in the *Mediterranean*, and continued so, till by our Authority we procured the *Dutch* a Peace with the *Algerines*, in order to prevail with them to favour our Ministers with a Sort of sham Accession to the famous Treaty of *Hanover*.'

' My Lords, we must not conclude, that because we had a Trade in the *Mediterranean* before we got Possession of the Island of *Minorca*, therefore we may be able to continue that Trade after the Loss of that Island. Before we had it, my Lords, we had but few Rivals in the *Mediterranean* Trade, and could therefore bear the Expence we were put to, and the Losses we sustained by the Depredations of those Pirates; but we have now so many Rivals, especially the *French*, that we could not bear it; and therefore, if we should lose *Minorca*, and those Depredations should be renewed, which would be the certain Consequence, I doubt much, if we could have any Trade, I am almost sure, we should have very little Navigation in the *Mediterranean*. The Importance of this Island cannot therefore, in my Opinion, be exaggerated; and for this Reason, I hope your Lordships will shew your Care of it, by agreeing to this Motion.'

The

The Beginning of this Month died *Peregrine Duke of An.* 15. Geo. II. *Ancaster, &c.* Hereditary Lord Great Chamberlain of Eng-  
land, and was succeeded by his Son *Peregrine*: And, on the 23d, died *William Lord Stawell*, succeeded by his Brother *Edward*. 1741.  
Alterations in  
the Peerage.

Feb. 3. The Lords read a third Time, and passed the Malt Bill, and the Bill for explaining and amending an Act of the last Session, for the Preservation of the publick Roads: Bills pass'd.

Soon after which the King came to the House, and gave the Royal Assent to the said Bills and to two private Bills. Then the Lord Chancellor having signified to both Houses, that it was his Majesty's Pleasure they should adjourn to the 18th Inst. both Houses adjourned accordingly. The King ad-  
journs the Par-  
liament.

On the 18th Sir *Robert Walpole* was created Earl of *Orford*, Viscount *Walpole*, and Baron of *Houghton*. On the 11th he resign'd all his Places, and was succeeded by the Earl of *Wilmington* as first Commissioner of the Treasury, and by *Samuel Sandys*, Esq; as Chancellor and Under-Treasurer of the Exchequer, who was also made a Lord of the Treasury; Lord *Harrington* created Viscount *Petersham*, and Earl of *Harrington*, and made President of the Council in the Room of the Earl of *Wilmington*; Lord *Carteret* made Secretary of State in the Room of Lord *Harrington*; the Marquis of *Tweeddale* appointed Secretary of State for Scotland; *Duke of Ancaster* and *William Pulteney*, Esq; sworn of the Privy Council; the Duke of *Argyle* made Master-General of the Ordnance; his Royal Highness *William Duke of Cumberland*, Colonel of the first Regiment of Foot Guards; and *Charles Duke of Marlborough*, Colonel of the second Regiment of Foot Guards. Removals and  
Preferments  
thereupon.

About this Time frequent Messages having passed between his Majesty and the Prince of *Wales*, his Royal Highness, after several Years Absence from Court, waited upon his Majesty at *St James's* on the 17th, and was most graciously received. Reconciliation of  
his Majesty and  
the Prince.

The same Day a Guard was sent him by the King's Order, and the next Day there was the greatest Appearance of Nobility and Gentry at Court, to complement his Majesty upon the happy Reconciliation.

Feb. 19. The Earl of *Orford* took his Seat in the House of Lords.

Feb. 24. The King appointed the Duke of *Argyle* to be Colonel of his Majesty's Royal Regiment of Horse Guards: But on the 10th of *March* following, his Grace resign'd the same, and also his Post of Master-General of the Ordnance; whereupon the Duke of *Montague*, who had resign'd the latter D. of Argyle re-  
signs again.

An. 15, Geo. II. latter of these Places, and the Earl of *Hertford* the former  
1741. about three Weeks before, were reinstated.

1741.

*March 4.* The Lords read a second Time the Bill for granting to his Majesty 1,000,000*l.* out of the Sinking Fund, towards the Supply for the Year 1742. Then put off the Examination of the Merchants to the 18th, and adjourn'd.

## Royal Assent to several Bills.

**March 16.** The King came to the House, and gave the Royal Assent to the Sinking Fund Bill, the Mutiny Bill, and ten private Bills.

### Further Alterations in the Ministry.

The same Day the Right Hon. *Daniel*, Earl of *Winchelsea* and *Nottingham*, was declared first Commissioner for executing the Office of Lord High Admiral of *Great Britain* and *Ireland*, in the Room of *Sir Charles Wager*. The Right Honourable *John*, Earl of *Stair*, was also appointed his Majesty's Embassador extraordinary and Plenipotentiary to the States General, and also Field Marshal of all his Majesty's Forces.

*March 19,* The Lords read a first Time the Pension-Bill, and ordered it to be printed, and that the said Bill be read a second Time on Thursday, and the Lords to be summoned

## The Pension Bill Rejected.

March 25. The Lords read a second Time the Penſion-Bill, and a Motion being made for committing thereof, the ſame was oppos'd by Lord Carteret and ſeveral other Peers, whereupon it was reſolved that the Bill be rejected,

|         |    |      |
|---------|----|------|
| Content | 39 | } 46 |
| Proxies | 7  |      |

|             |    |      |
|-------------|----|------|
| Not-Content | 65 | } 76 |
| Proxies     | 11 |      |

**Place Bill read a first Time,**

*March 30.* The Lords read a first Time a Bill for limiting the Number of Officers in the House of Commons, and ordered it to be printed, and to be read a second Time that Day se'ennight, and the Lords to be summoned.

April 2. The Lords received the following Message from his Majesty, presented by Lord Carteret.

GEORGE R.

**King's Message** "in Favour of the Queen of Hunga-  
ry."

“ **H**IS Majesty received with the greatest Satisfaction  
 “ the Assurances given him by this House, at the Be-  
 “ ginning of this Session, of the just Sense they have of the  
 “ dangerous Situation of Affairs in *Europe*, arising from the  
 “ Designs and Enterprizes carrying on for the Subversion of  
 “ the House of *Austria*, and of their Zeal and Earnestness  
 “ in promoting all just and necessary Measures for the Main-  
 “ tenance of the Ballance of Power, and for the Assistance  
 “ of his Allies. His Majesty firmly depends on their un-  
 “ alterable Perseverance in the same Sentiments; and as the  
 “ late Events in Favour of the Queen of *Hungary* afford a  
 “ reasonable

“ reasonable Prospekt of Success, he makes no Doubt, but  
 “ that he shall have the ready Concurrence and Support of  
 “ this House, in concerting such Measures, and forming  
 “ such Alliances with other Powers, as may be most effect-  
 “ al for the Preservation of the House of *Austria*, and for  
 “ restoring the Ballance of Power in *Europe*. ”

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Then the House ordered, that the said Message be taken into Consideration on the *Monday* following, and the Lords to be summoned.

About the Beginning of this Month died the Right Honourable *John Howe*, Lord *Chedworth*, so created since the Dissolution of the last Parliament: He was succeeded by his eldest Son *John*: Also *Henry* Lord Viscount *St John* of *Battersea*, Father of the late Lord *Bolingbroke*. The Title devolves upon his second Son, the Hon. *John St John*.

Alterations in  
the Peerage.

*April 5.* The Lords took into Consideration the King's Message relating to the Queen of *Hungary*, and resolved to present an Address to his Majesty, To return him the

Address of  
Thanks to the  
King for his  
Message.

“ Thanks of this House for the great Care and Concern which  
 “ he is pleased to express, in this critical and dangerous Con-  
 “ juncture, for the Preservation of the House of *Austria*, and  
 “ for restoring the Ballance of Power in *Europe*, wherein the  
 “ Honour, Trade, and Safety of these Kingdoms are so near-  
 “ ly interested: To declare our firm Resolution to persevere  
 “ in those Principles of Duty, Fidelity and Affection to his  
 “ Majesty, and in that Zeal for the common Cause, which  
 “ this House has so unfeignedly professed. And to give his  
 “ Majesty the strongest Assurances, that we will vigorously  
 “ and cheerfully support his Majesty, in concerting such Mea-  
 “ sures and forming such Alliances with other Powers, as  
 “ may be most effectual for attaining those great and desirable  
 “ Ends expressed in his most gracious Message.

To this his Majesty gave Answer as follows:

*My Lords,*

“ I return you my Thanks for this dutiful and affection- His Majesty's  
 “ nate Address, and take the greatest Satisfaction in your Answer.  
 “ Reasonable Zeal for the Support of the House of *Austria*,  
 “ and for restoring the Ballance of Power in *Europe*.

*April 6.* The Lords read a second Time the Place-Bill, Debate on the  
 and, upon a Motion for committing the same, it passed in the Place Bill.  
 the Negative, Content 52, Not-Content 81: Order'd the  
 Bill to be rejected.

Upon this Occasion the Lord *Raymond* spoke to the fol- Speeches there-  
 lowing Effect: upon.

*My*

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*My Lords,*

‘ I am not only against some particular Clauses in this Bill, but against the whole Contexture of it ; and tho’, my Lords, Bills of this Nature have been canvassed in both Houses by Men of far greater Abilities and Experience than I can pretend to, yet I should think my self highly blameable, if I did not, as far as in me lies, oppose a Bill which strikes directly at the Root of the Constitution, and is an Infringement both of the Liberties of the People, and the Prerogative of the Crown. In the Sequel of what I shall offer to your Lordships, I think, I can plainly make out this Assertion ; but should I be mistaken, my Lords, I will venture to say, my Head, not my Heart, will be in Fault.

‘ To weigh the Merits of this Bill, it will be necessary to take it from its Birth, consider its Parents, and how and upon what Occasion it has appeared. My Lords, this blessed Plant was sown by Party and Faction : It was nursed by Fury and Discontent : Loss of *English Liberty* was its Fruit. It was the first Step by which *Oliver Cromwell*, and some few others, mounted up above the Liberty of Mankind. It was framed to divide and destroy the Bulwark of our Constitution the Parliament ; and surely, my Lords, it would be very extraordinary, if Parliaments again should cherish this Cankerworm, which since its Birth never has dared to appear, but when a distempered Air hovered round us, and, like sudden and intense Darkness, was the Fore-runner of a Storm.

‘ My Lords, the very Preamble of this Bill sets up a Standard of Division between the Crown and the People : It declares their Interest separate, and of consequence they must draw separately ; which is a Doctrine quite different from what I have been taught from my Cradle. I am sure, it is a most melancholy Doctrine ; for a State divided against itself can never stand long.

‘ But, my Lords, to be more particular, let us consider ( should this become an Act ) what Effect it would have, first by excluding all but some few of the most important Places from the House of Commons, and afterwards by excluding the Army.

‘ First then, with regard to those Places of Importance which it does not exclude, and those lesser which it excludes, I shall only beg Leave of your Lordships to put a few Questions. If then we exclude all but those of the greatest Trust, and where the very Being of all Publick Affairs is centered, how shall we in the next Age find Men capable of filling them ? For by taking away the lesser we take away the proper

proper Steps to the greater. How are those who are young and unexperienced, to acquire a Knowledge in Business, so as to be able to transact Affairs, on the well or ill conducting of which depends the publick Good, or the Misery of this whole Nation? My Lords, how shall we find Men fit for these important Posts? It is an undeniable Fact, that Business makes Men of Business: The greatest natural Capacity a Man ever was blessed with, can never teach him the intricate Road, Form, and *Routine* of publick Offices: Practice must do it, and Practice alone. If then the Means or Practice be cut off, how must young Men arrive at this Knowledge? It must be by Inspiration, or by one single Way else, which is as unlikely to happen as Inspiration from Heaven, which is by the great Men of the present Age turning Schoolmasters, keeping a School for foreign and domestic Politicks. I am apprehensive they will not easily be induced to turn Pedagogues; not to mention that they themselves may not, perhaps, wish to have the Market overstock'd. What then must be the Consequence? Young Men of Fortune and Rank cannot accept of Places, when by accepting them they are to be deemed unfit for serving their Country in Parliament, and to have the ignominious Mark of Slavery set on them; and without accepting which, they cannot arrive at a Knowledge of Business fit to be trusted with the publick Affairs. What will be the Effect? Men of no Fortune, no Rank in the State, who have first drudged thro' the lower and meaner Offices, must have those of the greatest Trust and Profit, as being the only Persons capable of filling them; and it is too much to be feared, that the Complaisance of such (who owe all they have to the Crown) will be boundless, and that the King will have bad Counsellors, and the Nation will be ill served.

' My Lords, with regard to the Officers of the Army, I think, the same Argument is still stronger; as the Misfortunes which will flow from it are of a more immediate, and of a more dangerous Consequence, and the Danger without Remedy. This Bill will exclude all young Men of Fortune from the Army, for the same Reason it will from all Civil Employments. Your Gentry, your Nobility, deprived of all laudable ambitious Views, will sink, like *Italians*, into a slothful Idleness. But, my Lords, I must beg Leave to remind you of this Nation's being sav'd from Slavery by having Men of Property in the Army; for God's Sake! do not let us ruin that great Barrier of our Liberty. It may be said, we do not stand in need of any Army: We are an Island, have a most powerful Fleet, so that an Army

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is both useleſs and dangerous. I ſhall not enter into all that may be ſaid in Answer to that complicated Aſſertion, but only beg Leave to put a Caſe; and it is a Caſe as the Affairs of *Europe* ſtand, muſt happen once in twenty Years; and I hope our Liberty will be upon a ſounder Foundation than to be hazarded every twenty Years: Within that Space of Time you muſt, in all Probability, raiſe a conſiderable Army, either to defend your own Poſſeſſions, or preſerve the Ballance of Power in *Europe* which are equally and abſolutely neceſſary. When this Army has done what you raiſed them for, you will think it neceſſary likewiſe to diſband them, and eaſe yourſelves and the People of ſo coſtly a Burden; but your Lordſhips, perhaps, will find the diſbanding them more difficult than the raiſing them. I am apt to believe, that a Vote of either Houſe, how rhetorically ſoever it may be expreſſed, will not perſuade them it is for their Intereſt to loſe their Bread, when by keeping together, you and all you have is entirely at their Mercy; and, my Lords, at ſuch a Season, ſhould a Prince, leſs a Father of his People than his preſent Maſteſty, ſhould a Prince of more ambitious than honeſt Intentions, fill the Throne, it would be in his Power, with ſuch an Army, to become as abſolute as the King of *France*. My Lords, by what I have offered to you, it plainly appears to me, that nothing can keep and confirm your Liberties but having the Officers, at leaſt, Men of Property, who have a Stake in the Country, and whoſe Intereſt is the ſame with ours. It was by an Army of Hirelings, Debtors, Renegado's, and ſuch, that *Rome* at laſt fell a Victim to the Ambition of one Man.

‘ It may, perhaps, be ſaid in Excuse for this Bill, that Men of too ſmall Fortunes have Employments and Seats in Parliament: Have you not an Act of Qualification? If that is not obſerved, why will you imagine this will? I ſhould think it would not; for tho’ it is an extraordinary Thing to ſay ſo, it would be contrary to the Intereſt of the Crown, contrary to the Intereſt of every Particular, and contrary to the Intereſt of the Nation in general. But if the Sum limited in the Qualification-Bill is not already ſufficient, increaſe it: That is the only Way which will answer what is in vain expected from this Bill. But, my Lords, to conclude: What a Compliment would it be to his Maſteſty, to ſay, you are not fit to be truſted with what your Anceſtors have always hitherto enjoyed, the Power of diſpoſing of Places and judging of Merit? We will, by a publick Act, ſhew we miſtruſt you. What a Compliment will it be to thoſe the People chuſe, to  
ſay,

say, we will not trust your Integrity, because the People chuse you their Representatives ? Is this the Means to endear a People to their Prince, a Prince to his People, or Mankind to one another ?

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In Answer to this the Earl of *Sandwich* spoke to the following Effect

*My Lords,*

E. of *Sandwich*.

‘ I am sorry to hear a Bill branded with so many hard Names, which, in my Opinion, is not only designed, but absolutely necessary, for securing our Constitution against the Crown’s having a corrupt and prevailing Influence in both Houses of Parliament. It is said to strike at the Root of our Constitution, by attacking both the Liberties of the People, and the Prerogatives of the Crown ; and it has been called the Offspring of Party and Faction, nursed up by Fury and Discontent. This is a most terrible Description, but the direct contrary in every Respect happens to be really the Case ; as I hope I shall be able to shew, both from the Nature of the Bill, and from the History of such Bills, some of which had the good Luck to be passed into Laws ; and some of those Laws now stand, and, I hope, ever will stand, unrepealed.

‘ In antient Times, my Lords, nay I may say till after the Restoration, we had no Occasion for such Bills. The Crown had but few lucrative Employments to bestow, and many of those then at its Disposal, were such as were generally granted for Life ; consequently, no Minister could hope by such Means to gain, much less to preserve, a corrupt Majority in either House of Parliament ; and the Impossibility of Success prevented their making any such Attempt. We had then no mercenary standing Army, nor had the Crown any lucrative military Commissions to dispose of. If an Army was at any Time raised for foreign Service, no Officer employed in that Army could look upon his Commission as an Estate for Life ; therefore, tho’ a Commission in the Army was look’d upon as an Honour, it was never look’d upon as a Favour ; but, on the Contrary, those landed Gentlemen who had acquired a Character in their Country for Conduct, Courage, and military Knowledge, were often solicited to accept of Commissions in the Army which was to be raised ; and when the Service was over, they returned to live upon their Estates in the Country, without being at any farther Charge to the Publick.

‘ We had then, my Lords, but very few Customs and no Excises ; consequently a Minister could not spread his Excisemen over the whole Kingdom, to influence Elections in Counties,

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or to govern them in most of our inland Boroughs ; and the Salaries of our Custom-House Officers were so trifling, that no Man of any great Character or Fortune would accept of them, so that such Officers had but very little Influence in any of our Sea-Port Towns. Nay, the Commissions in our Navy were either such as were not at the Disposal of the Crown, or such as could have no considerable Influence over those that accepted them ; for while the Custom of the Crown's being furnished with Ships of War by our Sea-Ports remained, the Officers of the Ships were appointed by the Magistrates of the Town where they were fitted out ; and even after the Ships began to be furnished at the publick Charge, and all the Officers appointed by the Crown, a Commission in the Navy could not be look'd on as a Provision for Life, because when the Expedition was over they were dismissed without any half Pay or other Provision ; from whence it is plain, that a Commission either in the Land or Sea Service could then have no Influence in Parliament, because the Officers, when employed in an Expedition, could not be there, and when they were not employed, they had nothing from the Crown.'

' But now, my Lords, the Case is quite altered : The Commissions in our Army and Navy, the Posts in the Collection of the publick Revenue, and the other Places in the Disposal of the Crown, are become so numerous and so lucrative, that they must have a great Influence upon the Members of the other House, if there be no Restraint upon the Number of Placemen allowed to have Seats in that House. This, I say, must be the Consequence, unless we suppose, that Men will judge and determine as impartially in a Case where they are to get or lose 500/. or 1000/. a Year, as in a Case where they are to get or lose nothing by their Judgment or Determination ; and to suppose this, is so contrary to the Nature of Mankind, and to the established Maxims of all Societies, that I am sure none of your Lordships will make any such Supposition. Parliaments, we know, are designed to be a Check upon Ministers ; we likewise know, that almost every Post or Place in the Disposal of the Crown, is left to the arbitrary Disposal of Ministers ; and we also know that no Minister ever did, or ever will give a lucrative Post or Employment to a Man who opposes his Measures in Parliament : From late Experience we know, that some of the highest Officers in the Kingdom have been dismissed, for no other Reason but because they disapproved of the Measures pursued by our Ministers, and had Honour enough to declare their Disapprobation in Parliament. Can we then expect, my Lords, that the other House will ever be a Check upon the Conduct

Conduct of our Ministers, as long as there is a Majority in that House, who enjoy or expect some lucrative and honourable Employment from the Benevolence of those very Ministers ? I shall not say, that in such a Case the Members would all be corrupt in their Determinations ; but I will say, that in many Cases they would be biassed in their Judgments, and thereby induced to approve of what, in Duty to their Country, they ought to have disapproved of, or to put a Negative upon what, in Duty to their Country, they ought to have given their Consent to.

An. 15. Geo. II.  
1742.

Therefore, my Lords, if we intend that the other House should answer the End of its Institution, by judging impartially, and determining wisely and justly in every Case that comes before them, we must pass this Bill or such a Bill as this ; or we must pass a Bill for taking from the Crown the Disposal of those Posts and Employments that are necessary for the executive Part of our Government ; and surely those Lords who seem so mighty jealous of any Inroad upon the Prerogative of the Crown, will agree to the former rather than to the latter of these two Expedients. The latter, I shall grant, would be an Infringement of one of those Prerogatives now enjoyed by the Crown ; but I cannot for my Life see what the former has to do with the Prerogatives of the Crown, nor can I conceive how any one Prerogative of the Crown is to be in the least affected by this Bill. There is no Confinement, nor the least Restraint proposed upon the Power the King has to dispose of Offices or Employments : He may grant them as fully and freely as before : He may even grant them to Members of Parliament, notwithstanding any Thing proposed to be enacted by this Bill ; and the Member may enjoy the Office or Employment so granted to him, only if it be such a one as is not excepted in this Bill, he is not to be rechosen.

Is this, my Lords, an Infringement of any Prerogative of the Crown ? Has the King a Power to tell the People whom they are to chuse, or whom they are not to chuse ? No, my Lords ; but the Legislature has, and has already in many Cases exercised that Power. The People are already by Law restrained from chusing a Man as their Representative who is not possessed of 600*l.* or at least 300*l.* a Year : They are already restrained from chusing any Man concerned in collecting the publick Revenue : They are already restrained from chusing their High-Sheriff to be their Representative ; and now they are to be restrained from chusing any Placemen, beside those excepted in this Bill. This is, 'tis true, a new Restraint, but it can no more be said to be an Infringement of the Peo-

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ple's Liberties, than confining a Madman can be said to be an Infringement of his Liberty ; for if the People were not mad, or something worse, they would never chuse a Man as the Guardian of their Liberties, that must either forfeit the lucrative Post he enjoys, or betray his Trust to Ministers who can, and probably will, take his Post from him if he does not, and who have always by Experience been found to be the greatest Enemies to the Liberties of the People.

‘ I hope, I have now made it appear, that this Bill is no Infringement either of the Prerogatives of the Crown or the Liberties of the People ; but that, on the contrary, it is absolutely necessary for preserving our Constitution, by preventing a ministerial and corrupt Influence in Parliament. I shall next proceed to examine the Origin of this and such like Bills, in order to see whether they deserve to be called the Offspring of Faction, nursed up by Fury and Discontent. This I know, my Lords, is a Scandal that has been thrown by Ministers and their Favourites upon all the Laws we have for securing the Liberties of the People. The *Habeas Corpus* Bill was, by the Ministers of that Time, reckon'd such a factious Bill, that when it was first brought in, the Parliament was prorogued before it could be got ready for the Royal Assent. The Triennial Bill was reckoned such a factious Bill, that King *William* was advised, by his Ministers, to refuse it the Royal Assent, the first Session it was presented ; and would perhaps, have done the same in the next Session, if it had not been presented to him very early in the Session, and long before the necessary Supplies were all granted. And the Laws we have for preventing Pensioners and the Collectors of our publick Revenue from having Seats in the House of Commons, have generally been scandalized in the same Manner by Ministers and their Favourites ; but all impartial Men will admit, that those Bills were the Offspring of a true publick Spirit, and that if they were nursed by Discontent, it was a Discontent that proceeded from the illegal and oppressive, or corrupt Practices of our Ministers.

‘ Then with regard to the Bill now before us, I shall grant that this, or some such Bill as this, has been often brought into Parliament, and has been as often opposed by Ministers ; but I never heard that such Bills proceeded from Faction. What the noble Lord meant by insinuating, that the Parliament was ever destroyed by any such Bill, is, what I cannot comprehend ; for, I hope, he will not call the Assembly held here towards the End of King *Charles* the First's Reign a Parliament, or their self-denying Ordinance an Act of Parliament. That Assembly had before, by means of their Army,  
destroyed

destroyed the Substance of our Constitution, and no wonder An. 15. Geo. II.  
 such an Army should at last destroy the remaining Shadow, 1742  
 especially after it began to be troublesome to them, and hateful to the whole Kingdom. But thank God ! we have as yet no such Army to deal with, nor is the Character of this Parliament as yet become despicable among the People. We have nothing to fear from the Swords of our Army, as long as their chief Officers are Members of this or the other House, of Parliament, which this Bill does not prevent: Their Votes only we have to fear, in case too great a Number of Subalterns should happen to be Members of the other House. This we ought to prevent, and this every Man of Honour in the Army will assist us in preventing, especially such of them as have no Hopes of becoming the Members of the other House, which is by far the greatest Part, and, I believe, by much the best Part of the Soldiers.

‘ We cannot therefore, my Lords, draw any Argument from what happened in that pretended Parliament which murdered their King, after having destroy’d the Constitution of their Country ; and as no such Law as this has ever yet taken Place, we cannot pretend to know, from Experience, any bad Effect it will produce : But as several such Bills have been brought in ; as those Bills were all brought in by those who by their Conduct appeared to be Friends to our Constitution, and opposed by those who have always appeared to be its greatest Enemies, I mean our Ministers of State ; and as no Inconvenience, but great Benefit, has accrued from that Law which disables Commissioners and Officers of our Customs or Excise from being Members of the other House, Experience must give us a favourable Opinion of this Bill. Can it be said, that in the Year 1693 we were influenced by any factious Discontents ? And yet in that Year, such a Bill as this, which was intituled, *A Bill touching free and impartial Proceedings in Parliament*, passed both Houses, but by the Advice of the Ministers was refused the Royal Assent ; as several others had been during the Beginning of that Reign. Can it be supposed, that in the Year 1701, we were governed by any factious Discontents ? And yet in the Act of Settlement then passed, there was an express Clause for excluding all Placemen from having Seats in the House of Commons, after the Settlement then established should take Place, which Clause met with the Approbation, not only of both Houses of Parliament, but of the Crown itself. And surely no Man will derogate so much from the known Courage of King *William*, as to say, that he would have allowed himself to be bullied by  
 any

An. 15. Geo. II. <sup>1742</sup> any Faction or Party into a Regulation, which he thought would strike at the Root of our Constitution. This Clause, 'tis true, was afterwards in the Queen's Time repealed; but I wish the noble Peers who were the Promoters of that Repeal, had considered a little more their own Characters, as well as the Constitution of their Country; for if they had, they might perhaps have made some such Exceptions as are contained in this Bill; but, I am sure, they would never have agreed to, and much less proposed a general and absolute Repeal of that Clause.

' Even now, my Lords, we may be liable to some Discontents; but if we are, they are far from being factious Discontents: They are most justifiable Discontents: They are such as have been occasioned by Measures which have brought this Nation into Disgrace, and *Europe* to the Brink of Destruction: Measures, which could not have been carried on, if such a Law as this had been in Being; and Measures, which our latest Posterity may have Cause to load with Imprecations. If many Gentlemen of the other House, and perhaps some of your Lordships Predecessors had not been biassed by the honourable or lucrative Employments possessed or expected, it is impossible to suppose, that Parliaments would have approved of Measures, the fatal Consequences of which were so emphatically foretold at the Time, and have since been so fully verified by the Event; therefore the Bill now before us cannot be supposed to proceed from Faction or Fury, but from a true Regard to our Constitution, and a well-grounded Jealousy of a ministerial corrupt Influence in Parliament.

' It seems to be a Misfortune, that some of your Lordships can never properly distinguish between the Crown and the Ministers of the Crown, which often brings Confusion into our Debates; and yet there is nothing more plain than that Distinction has been made by our Constitution. The Crown ought certainly to be a Check upon all its Ministers, and all those employed in the executive Part of our Government: It is not only the Duty but the Interest of the King to take care, or to have care taken, that none of those he employs shall make a bad Use of the Power he intrusts them with, or the Confidence he reposes in them; but this is too extensive a Task for any King whatsoever, especially the King of such a large and populous Kingdom as this is; and therefore by our Constitution, the King is to be assisted in the Performance of this Duty by his Parliament. We are never to enquire into the Conduct of our Sovereign: Our Constitution tells us he can do no Wrong; but

but by his Appointment, we are to examine the Conduct of An. 15. Geo. II. his Ministers and Counsellors ; and it is his Interest that we should faithfully and impartially perform this Duty. If 1742. the Majority of the other House should consist of those employed by the Crown in the executive Part of our Government, would not they then be both Judge and Party ? Is it then possible to suppose, that such a House of Parliament would faithfully and impartially perform this Duty to their Sovereign ? To prevent this Impossibility is the Design of this Bill. It sets up no Standard of Division between the Crown and the Parliament, but is calculated for preventing the Parliament's being engaged in an Interest not only separate from, but opposite to the Interest of the Crown, I mean that of a guilty Minister ; and therefore I must beg Leave to say, that in my Opinion, whoever argues against this Bill, argues against the Interest, the Glory, and the Happiness of his Sovereign.

I am surprised, my Lords, to hear it said in this House, that in order to be a Lord High Admiral, or a Lord High Treasurer, it is necessary for a Man to be first an Under-Clerk in the Office. At this Rate none of your Lordships could ever be capable of being in any of these high Offices, no nor any of your Posterity ; and yet both these high Offices have often been most worthily filled, and most duly executed by some of your Ancestors, without having ever before had an Opportunity to learn any Thing of the intricate *Routine* of those Offices. From Experience we know, that most of our great Offices may be executed by Men who, from their Birth and Quality, could never descend so low as to be a Clerk in the Office ; and under such Men, I believe, the Duty of the Office will always be more faithfully performed, than it would be, should a little Fellow of an Under-Clerk be raised by the Favour of a Prime Minister, to be at the Head of the Office, which is not unlikely to happen, if no such Bill as this should ever be passed into a Law.

I shall grant, my Lords, that in the Army few Gentlemen are made, or indeed ought to be made Colonels or Generals, without having first been Captains, or perhaps Subalterns ; not because of their Incapacity or Ignorance, but because it would be a Discouragement to the Service, and an Injustice to those inferior Officers who have a Title to be advanced. But can we suppose, that any young Gentleman who had a Mind to raise himself in the Army, would throw up his Commission rather than his Seat in Parliament ? Or is it necessary, that a young Gentleman



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of Family and Fortune should be in the other House as soon as he comes of Age, and consequently have a Share in governing the Nation, before he can well be supposed capable to govern himself? This is so far from being necessary, that, I believe, it would be happy for the Nation to have a Regulation made, that no Man should be capable of being chosen a Member of the other House, till after his being thirty or forty Years of Age; and therefore it is with me an Argument in favour of this Bill, that it would prevent the other House's being filled with young Gentlemen, who are more fond of a Cockade than of the Liberties of their Country.

Such Gentlemen, my Lords, will always prefer their having a Commission in the Army to their having a Seat in Parliament; consequently this Bill will prevent no such Gentlemen of Family and Fortune from serving in the Army: And as to those Gentlemen of Family and Fortune, who have good Sense and true Honour, an Exclusion from Parliament will be an Encouragement for them to serve in the Army, because they may then expect to meet with Justice in the Army, without being oblig'd to purchase it by betraying their Country, and sacrificing their Conscience in Parliament. Whereas should a Prime Minister resolve to keep a numerous Army always in Pay, and a powerful Squadron always in Commission, not for over-awing or defeating the Enemies of his Country at Sea or in the Field, but for defeating all Opposition to his Measures in Parliament, and all Inquiries into his Conduct, no Gentleman of Family or Fortune could expect common Justice, either in our Army or Navy, unless he should, by Means of his Family or Fortune, get himself chosen a Member of Parliament, and there vote in every Case according to the Minister's Direction. If this should ever happen, I am sure no Gentleman of Family and Fortune, who had any Honour, would accept, or could long keep a Commission in our Navy or Army; and as to those who have no Honour, let their Family or Fortune be what it will, I am sure the most wicked and enterprising Minister can more safely rely upon them for his Protection, than their Country can trust to them for its Relief.

Thus, my Lords, it is evident, that if we intend to encourage Gentlemen of Honour as well as Family and Fortune to enter themselves in our Army, or on board our Fleet, we must pass this Bill; and this seems now to be the more necessary, because we have a more numerous Army of *British* Subjects on Foot, and a greater Number of Men of War in Commission, than we ever had since we have had any Thing

Thing like a standing Army, or any Thing like a Royal Navy. What Advantage they may reap for their Country, I do not know : I am sure, they are a great Expence to it ; and, I am afraid, we shall never get free of any great Share of that Expence, if this Bill is not passed into a Law ; for whilst our Law stands as it does at present, I am convinced, the Number and Influence of the Officers of our Army and Navy will be every Day increasing in Parliament.

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‘ I hope, I have now shewn, my Lords, that this Bill, if passed into a Law, must in every Respect contribute to the Security of our Liberties ; that our Liberties must fall a Sacrifice to a ministerial corrupt Influence in Parliament, or to the Ambition and Avarice of Men of no Fortune or no Honour in our Army, if it is not passed into a Law ; and that every Objection made against it, appears to be an Argument for it. But of all the Objections that have been made, I am most surpris’d at its being said, that this Bill will be a bad Compliment to his Majesty, because we are to take from him the Power of disposing of Places and judging of Merit. Can this Objection be made by any Lord who has read the Bill ? Does it in the least diminish his Majesty’s Power of disposing of Places or judging of Merit ? May not he, notwithstanding this Bill, grant a Place to any Member of Parliament he thinks fit ? As the Law now stands, such Member must be re-chosen ; and I have shewn, that the People ought in most Cases to be restrained from re-choosing him, because if they were not mad, they would not do so ; for I am sure, no Man can be a proper Guardian of their Liberties, whose chief Subsistence, as well as his Hopes of future Advancement, may probably depend upon his betraying them : I say, no such Man ought to be chosen or re-chosen by the People, unless he be a Man of a greater and more established Character than any Clerk of an Office, or inferior Officer of our Army or Navy, can be supposed to be. The Bill is therefore no Infringement of the Prerogatives of the Crown, or Liberties of the People : It has always been a favourite Bill of those who were for securing our Constitution against the Designs of ambitious Princes or wicked Ministers ; and as I glory in being one of those, I shall most heartily concur in having it passed into a Law.’

The same Day, on the Earl of *Sandwich*’s Motion, the Lords resolv’d, that the Chancellor do attend the House at 11 o’Clock each Day, and that all Causes be first proceeded on before any Bills be read, or other Business, agreeable to an antient standing Order.

April 14. The Lords order’d that the Roll of standing Orders

An. 15. Geo. II. Orders be taken into Consideration the first *Monday* after *Easter* Recess, and the Lords to be summoned.

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The next Day his Majesty came to the House, and gave the Royal Assent to the Land-Tax Bill, to seven other publick, and eight private Bills. Then the Lords adjourn'd to the *Tuesday* se'nnight.

Royal Assent to several Bills.

It was generally believ'd, that the Reason of the Resolution of the House for taking into Consideration their standing Orders, was to settle the Precedence of the Royal Family; the Duke of *Cumberland* being then at Age, it was disputed whether he should take Place in the House before the Sons of the Heir apparent to the Crown, or not; several Lords being of Opinion, his Royal Highness could not claim Precedency of the Prince of *Wales's* Children.

*April* 24. The Earl of *Stair* was appointed Governor of *Minorca*, in the Room of *Algernoon* Earl of *Herford*, made Governor of *Guernsey*.

D. of Cumberland and other Peers take their Seats.

On the 27th his Royal Highness the Duke of *Cumberland*, who came of Age on the 15th, was introduc'd, between the Dukes of *Grafton*, *Dorset*, *Ancafter*, and the Earl of *Effingham* Deputy Earl Marshal, into the House of Peers, and took the Oaths, and his Seat in the Chair on the Left Hand of the Throne, by his Majesty's Command.

The same Day the Lord Viscount *St John* took his Seat in the House of Peers, in the Room of his Father deceas'd: As did also the Lord *Fitzwilliams* and Lord *Edgcombe*, both whom were a few Days before, created Peers of *Great Britain*, the former by the Title of Baron *Fitzwilliams* of *Milton*, in *Northamptonshire*, being at that Time Earl of *Fitzwilliams* in *Ireland*; and the latter by the Title of Baron *Edgcombe* of *Mount-Edgcombe*, in *Devonshire*, being then Member of Parliament for *Plympton*.

Marq. of Tweedale chose one of the 16 Peers.

On the 30th the Marquis of *Tweedale* was unanimously elected one of the 16 *Scots* Peers, in the Room of the Earl of *Hopton* deceas'd. There were 22 Peers present, and 38 sent their Proxies.

*May* 13. The Lords took the Roll of standing Orders into farther Consideration, and, after a Debate, ordered that the Order relating to the Poor's Box be struck out.

Several Bills read.

*May* 17. The Lords went thro' the Bank Contract Bill, and reported it without Amendment; also the Bill to indemnify Persons who have omitted to qualify themselves for Offices, &c.

*May* 20. The Lords passed the Bank Contract Bill, then read a first Time a Bill For the better securing the Trade and Navigation of this Kingdom in Times of War.

The

The same Day the Lords read a Bill from the Commons, which took its Rise in that House from the Complaints of the Merchants, intituled, *A Bill for the better securing the Trade and Navigation of this Kingdom in Times of War*; of which the following is an exact Copy :

An. 15. Geo. II.  
1742.

**W**HEREAS it is necessary, in Times of War, that a sufficient Number of Ships should be appointed, and kept constantly employed as Cruizers, in proper Stations, for the Protection and Security of the Trade and Navigation of this Kingdom ; ~~Be it enacted~~, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That when, and as often as this Kingdom shall be engaged in War with any Kingdom or State in *Europe*, (over and above the Ships of War for the Line of Battle, and for Convoys to remote Parts) such a Number of Ships of War, as shall be sufficient for the Protection and Security of the Merchant Ships, in their going out and returning home, shall be constantly employed as Cruizers, or for Convoys, in and near the *British* Channel and Soundings, and in such other Stations on this Side Cape *Finisterre*, as shall, by the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, be judged most proper for that Purpose ; the aforesaid Ships of War to be careen'd at least \* [three] Times in the Year, or oftner, if there be Occasion ; and that the Seamen on Board any such Cruizers, shall not be turned over into any other Ship or Ships, but such only as shall be appointed for cruising, or Home Convoys, according to the Tenor of this Act.

Copy of a Bill sent up from the Commons, for securing Trade and Navigation in Time of War.

II. ~~Provided~~ always, and be it Enacted by the Authority aforesaid, That nothing herein contained shall restrain, or be construed to restrain, the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being, from directing any of the Ships which shall be appointed to be Cruizers in Pursuance of this Act, to be employed in the Line of Battle, (in Case of great Necessity) on this Side Cape *Finisterre*, without whose immediate Direction, the said Ships shall always be cruising, or employed as Home Convoys, except when they are careening or refitting.

III.

\* The Words within these Marks [ ] shew how the Blanks were filled up, and the Amendments made in its Progress through the House of Commons, with Notes of the Words left out.

An. 15. Geo. II.  
1742.

‘ III. And be it enacted by the Authority aforesaid, That the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being, shall, on or before the [First Day of July next,] authorize and appoint a Commissioner of the Navy, or some one or more Person or Persons, who shall constantly reside at such Place or Places, as his Majesty shall direct, by Virtue of which Appointment, such Person, or Persons, in the Place or Places, for which he or they shall be appointed, shall superintend and oversee every Thing relating to the aforesaid Cruizers; and shall take care that every Thing necessary be immediately provided for all and every the aforesaid cruising Ships of War, that shall come into any Port by Strefs of Weather, or to careen or refit; and as soon as they, or any of them, are refitted, shall order all or any of the said Ships of War, to put to Sea again as soon as possible.

‘ IV. And be it further enacted by the Authority aforesaid, That from and after the said [First Day of July,] if any Captain or other Officer, on Board any of his Majesty’s Ships of War, shall willingly spring, carry away, or lose any Mast or Masts of any such Ship\*, or shall make any false Pretence or Excuse for leaving the Station, on which such Ship or Ships shall be appointed to cruise, or shall return into Port before the Expiration of the Term appointed for his Cruise, without just and sufficient Reason for so doing; every Captain and Officer offending in any of the aforesaid Cases, [shall be punished by Fine, Imprisonment, or otherwise, as the Offence, by a Court-Martial, shall be adjudged to deserve.]

‘ V. And, to the Intent, that it may be the more easily known what Service the aforesaid Cruizers shall every Year perform. Be it enacted by the Authority aforesaid, That the Commissioner of the Navy in each of the Out-Ports, or such Person or Persons as shall, for that Purpose, be appointed by the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being, shall transmit to him or them, [every Three Months,] a distinct and separate Account digested into proper Columns, of the Time when any of the Ships appointed to be Cruizers, sailed out of Port, when such Ship came in, together with the Number of Days cast up that such Ship was out upon Duty, and the Reasons of her putting into Port, and the Time and Reasons of her Stay there; with an Account how often, and the Times when each of the said Ships have been careened every Year; and

\* Left out, or Ships.

and that the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being, shall cause Copies of the said Accounts to be laid before both Houses of Parliament, within [Eight Days] after their Meeting.

An. 15. Geo. II.

1742.

VI. And be it further Enacted by the Authority aforesaid, That the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, shall, on or before the said [First Day of July] nominate and appoint such a Number of Ships of War, as shall be sufficient for the Purposes aforementioned, to be Cruizers or Convoys on this Side Cape Finisterre for the current Year; and shall afterwards yearly and every Year, during the present, or any future War, between the [First Day of November] and the [First Day of December,] nominate and appoint a sufficient Number of Ships of War to be Cruizers or Convoys on this Side Cape Finisterre for the Year ensuing; and as often as any of them shall happen to be taken or lost, shall, as soon as may be, appoint others in the Room of every Ship so taken or lost.

VII. And whereas it is of the utmost Importance to the Trade of this Nation, that the Captains or Commanders of his Majesty's Ships of War, appointed for Convoys to and from remote Parts, should take due Care of the Merchant Ships committed to their Charge; Be it therefore Enacted by the Authority aforesaid, That every Captain or Commander of any of his Majesty's Ships of War, who, on or after the Bill shall commence, shall be appointed Convoy or Guard to any Merchant Ships or Vessels, or who shall have any Merchant Ships or Vessels under his Charge, do and shall diligently attend upon such Charge without Delay, and in, and during the Course of the Voyage, take the utmost Care of such Merchant Ships and Vessels, and do, and shall, every Evening see that the whole Number of the said Merchant Ships and Vessels under his Convoy be in Company with him; and in Case he shall be obliged in the Night Time to tack or alter his Course, or lie to, that he do and shall make the proper Signals, to give the Merchant Ships and Vessels, under his Convoy, Notice thereof; and if, in the Morning, he shall find any of the said Merchant Ships or Vessels to be missing, he shall use his utmost Endeavours to rejoin them, and shall not willingly or negligently sail away from, leave or forsake such Merchant Ships or Vessels, until he has seen them safe, so far as he shall be directed to convoy them; and in case any of the said Merchant Ships or Vessels

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Vessels shall be in Distress, he shall give them all proper and necessary Relief and Assistance, as far as he is able ; and in case any such Captain or Commanding Officer shall refuse or neglect to do all or any of the Matters aforesaid, every such Captain or Commanding Officer, shall [ be condemned to make Reparation of the Damage to the Merchants, Owners, and others, as the Court of Admiralty shall adjudge ; and also be punished according to the Quality of his Offence, as shall be adjudged fit by a Court Martial.]

VIII. And whereas it is of the utmost Importance to our Settlements in the *West Indies*, and the Trade thereof, \* that the Commanders of Ships stationed there should use their best Endeavours for the Protection and Security of such Trade, [and the Colonies there ; ] Be it farther Enacted by the Authority aforesaid, That † none of his Majesty's Ships, which shall be stationed at any of the said Settlements, shall quit or leave their Stations under Pretence of going to careen or refit, or under any other Pretence whatsoever, without an especial Order from the Lord High Admiral or Commissioners for executing the Office of Lord High Admiral, (or the Commander in Chief of his Majesty's Ships of War in those Seas, or in the *West Indies*, ‡) for the Time being ||.

IX. And to the End that it may appear what Service the Ships so stationed shall perform, Be it enacted by the Authority aforesaid, That the Captain or Commanding Officer on Board every such Ship or Vessel, shall keep a distinct and separate Account, digested into proper Columns, of the Times when the said Ship or Vessel sailed out of Port, when such Ship or Vessel came in, the Service she was upon, together with the Number of Days cast up that such Ship or Vessel was out upon such Duty, and shall cause the same to be fairly entered in one or more Book or Books to be kept for that Purpose ; such Entries to be digested in proper Columns, and to be every [six Months] transmitted § by the Captain or Commanding Officer of every such station'd Ship, to the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being, and shall also send

\* Left out, in Time of War.

† Left out, during the Continuance of any such War.

‡ These Words were added.

|| Left out, Or unless the Commander or Commanders of such Ship or Ships shall be ordered off their Station, to be employed in the Line of Battle in the *West Indies*, which shall not be done but in Cases of the greatest Necessity.

§ Left out, Together with the Duplicates thereof.

send Duplicates of the said Accounts at the first Opportunity. An. 15. Geo. II.  
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\* X. And be it further enacted by the Authority aforesaid, That the Commanders of his Majesty's Ships of War on their Arrival at any of the said Settlements, shall deliver a Copy of the Orders they shall have received from the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral of Great Britain for the Time being, so far as they relate to the Protection of the said Colonies, and of the Trade of the said Colonies, to the Governor and Council of the respective Colony or Plantation where they shall be stationed; which Orders shall be entered into the Council Books of such Colony or Plantation respectively; and the said Governor and Council are hereby authorized and empowered to give such Directions in Writing to the Captains and Commanders of such stationed Ships, as they shall think will be most for the Protection and Security of their Trade; and the said Captains and Commanders are hereby required to conform to, and observe the same, provided the same do not contradict the Instructions they shall have received from the said Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the Time being.

Then a Bill *To empower Justices of Peace to commit Offenders to the House of Correction* was read a first Time: As also a Bill, *For indemnifying such Persons as shall make Discoveries relating to the Conduct of Robert Earl of Orford*, which last was ordered to be printed, and the Lords to be summoned; Likewise a Bill *To prevent Persons from assisting Prisoners to make their Escape*. Several Bills  
read.

May 24. The Lords read a third Time, and passed a Bill *For securing to Thomas Byron his new Method of teaching short Hand for 14 Years*. Then read a first Time the Bill *to prevent Frauds and Counterfeits in Gold and Silver Lace*: Also the Bill *To exclude certain Officers from sitting in the House of Commons*, and ordered it to be printed.

May 27. The Lords read a second Time a Bill from the Commons, *To indemnify such Persons as shall make Discoveries relating to the Conduct of Robert Earl of Orford*, whereof the following is a Copy:

Whereas an Inquiry is depending in Parliament touching the Conduct of Robert Earl of Orford, during the last ten Years of his being First Commissioner of the Customs, Copy of a Bill to  
indemnify Evi-  
dences against  
Robert Earl of  
Orford.

\* This Clause was added in the Committee.



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of the Treasury, and Chancellor and Under Treasurer of his Majesty's Exchequer ; and it is necessary, for the Purpose aforesaid, that several Persons should be examined in Relation to any Misapplication, illegal or corrupt Disposition of any Money granted by Parliament for defraying the Expences of his Majesty's Civil Government, and better supporting the Dignity of the Crown of *Great Britain* and for enabling his Majesty to make an honourable Provision for his Royal Family, and of any other publick Money ; and also in Relation to the Disposition of any Offices and Payments, Allowances or Agreements in respect thereof, and concerning other Matters relating to the Conduct of the said *Robert Earl of Orford* : And whereas, in many Cases, Discoveries, relating to the said Inquiry cannot be had and obtain'd, without some Indemnification to such Person and Persons as shall make Discovery touching the Matters aforesaid : ~~Be~~ it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for the more effectual making the Inquiry and Discovery aforesaid, all and every Person and Persons ( other than the said *Robert Earl of Orford* ) who having been duly summoned, shall, upon his, her, or their being examined or interrogated by either House of Parliament, or any Committee of either House, relating to the Matters aforesaid, truly and faithfully discover and disclose, to the best of his, her, or their Knowledge, Remembrance and Belief, all such Matters and Things as he, she, or they shall be examined unto, or interrogated upon, touching or concerning the said Inquiry and relative thereunto, shall be ; and he, she, and they is, and are hereby freed, indemnified, and discharged of, from, and against all Forfeitures, Penalties, Punishments, Disabilities and Incapacities, which he, she, or they may incur, or become subject to, for, or by Reason or Means of any Matter or Thing, which he, she, or they shall, upon his or her, or their being examined, as aforesaid, truly and faithfully discover, disclose and make known, touching or concerning the said Inquiry, and relative thereunto ; and that all and every Person and Persons ( other than the said *Robert Earl of Orford* ) making such Discovery as aforesaid, who shall have, hold, or enjoy any Office or Offices whatever, shall be, and he, she and they is, and are hereby enabled and made capable to hold, occupy, and enjoy, his, her, or their said Office or Offices, notwithstanding any Forfeiture, Penalty, or Incapacity whatsoever which such Person or Persons shall, or may be liable

to

to, in respect of what he, she, or they shall discover as  
 aforesaid; any Thing in the Act of Parliament made and  
 passed in the Fifth and Sixth Years of the Reign of King  
*Edward VI.* against buying and selling of Offices or any  
 Thing therein, or any other Law or Statute to the contra-  
 ry thereof in any wise notwithstanding.

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Prohibited always, and be it Enacted by the Au-  
 thority aforesaid, That this Act, or any Thing herein  
 contained, shall not extend, or be construed to extend to  
 give any Benefit or Advantage, or to indemnify, free or  
 discharge any Person or Persons from or against any For-  
 feitures, Penalties, Punishments, Disabilities, or Incapa-  
 cities, who, being examined as aforesaid, shall give any  
 false Evidence, or make any false Discovery, touching or  
 concerning the said Inquiry, and relative thereunto; any  
 Thing herein to the contrary notwithstanding.'

This \* Bill was brought into the House of Commons, on  
 Occasion of the obstinate Behaviour of *Nicholas Paxton*, and  
 others, before the Secret Committee : And a Motion being  
 made that it be committed, Lord *Cartaret* stood up and  
 spoke as follows :

Debate thereon.

' My Lords,

' As the Question now before us is of the highest Import-  
 tance both to the present Age and to Posterity, as it may di-  
 rect the Proceedings of the Courts of Justice, prescribe the  
 Course of publick Inquiries, and by consequence affect the  
 Property or Life of every Lord in this House ; I hope it  
 will be debated amongst us without the Acrimony which  
 arises from the Prejudice of Party, or the Violence which  
 is produced by the Desire of Victory, and that the Contro-  
 versy will be animated by no other Passion than Zeal for  
 Justice and Love of Truth.

Ld. Cartaret.

' For my Part, my Lords, I have Reason to believe that  
 many Professions of my Sincerity will not be necessary on  
 this Occasion, because I shall not be easily suspected of any  
 Partiality in favour of the Noble Lord to whom this Bill im-  
 mediately relates. It is well known to your Lordships how  
 freely I have censured his Conduct, and how invariably I  
 have opposed those Measures by which the Nation has been  
 so far exasperated that the Bill, now under our Considerati-  
 on, has been thought necessary by the Commons, to pacify the  
 general Discontent, to restore the publick Tranquility, and

TO

\* See the Account of the Progress of this Bill through the House of  
 Commons, and the several Divisions thereupon, with the two Reports  
 of the Secret Committee, in CHANDLER'S History of that House,  
 Vol. XIII.

An. 15. Geo. II to recover that Confidence in the Government, without which  
 1742. no Happiness is to be expected, without which the best Measures will always be obstructed by the People, and the justest Remonstrances disregarded by the Court.

‘ But however laudable may be the End proposed by the Commons, I cannot, my Lords, be so far dazzled by the Prospect of obtaining it as not to examine the Means to which we are invited to concur, and enquire with that Attention which the Honour of sitting in this House has made my Duty, whether they are such as have been practised by our Ancestors, such as are prescribed by the Law, or warranted by Prudence.

‘ The Caution, my Lords, with which our Ancestors have always proceeded in Enquiries by which Life, or Death, Property, or Reputation was endangered, the Certainty or at least the high Degree of Probability which they required in Evidence, to make it a sufficient Ground of Conviction is universally known ; nor is it necessary to shew their Opinion by particular Examples, because being no less solicitous for the Welfare of their Posterity than for their own, they were careful to record their Sentiments in Laws and Statutes, and to prescribe with the strongest Sanctions to succeeding Governments, what they had discovered by their own Reflections, or been taught by their Predecessors.

‘ They considered, my Lords, not only how great was the Hardship of being unjustly condemned, but likewise how much a Man might suffer by being falsely accused, how much he might be harrassed by a Prosecution, and how sensibly he might feel the Disgrace of a Trial. They knew that to be charged with Guilt imply’d some Degree of Reproach, and that it gave Room at least for an Inference, that the known Conduct of the Person accused was such as made it probable that he was still more wicked than he appeared ; they knew that the Credulity of some might admit the Charge upon Evidence that was rejected by the Courts, and that Difference of Party, or private Quarrels might provoke others to propagate Reports once published, even when in their own Opinion they were sufficiently confuted ; and that therefore an innocent Man might languish in Infamy by a groundless Charge, though he should escape any legal Penalty.

‘ It has therefore, my Lords, been immemorially established in this Nation, that no Man can be apprehended, or called into Question for any Crime, till there shall be Proof, first, that there is a *Corpus Delecti*, a Crime really and visibly committed : Thus before a Process can be issued out for enquiring after a Murder has been perpetrated, the dead  
 Body

Body must be exposed to a Jury, and it must appear to them that he died by Violence. It is not sufficient that a Man is lost, and that it is probable that he is murdered, because no other Reason of his Absence can be assigned; ~~he~~ must be found with the Marks of Force upon him, or some Circumstances that may make it credible, that he did not perish by Accident, or his own Hand.

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‘ It is required, secondly, my Lords, that he who apprehends any Person as guilty of the Fact thus apparently committed, must suspect him to be the Criminal; for he is not to take an Opportunity, afforded him by the Commission of an illegal Act, to gratify any secret Malice, or wanton Curiosity, or to drag to solemn Examination, those against whom he cannot support an Accusation.

‘ And, my Lords, that Suspicion may not ravage the Reputation of *Great Britain* without Controul, that Men may not give way to the mere Suggestions of Malevolence, and load the Characters of those with atrocious Wickedness, whom perhaps they have no real Reason to believe more depraved than the Bulk of Mankind, and whose Failings may have been exaggerated in their Eyes by Contrariety of Opinion, or accidental Competition; it is required in the third Place, my Lords, that whoever apprehends or molests another on Suspicion of a Crime, shall be able to give the Reasons of his Suspicion, and to prove them by competent Evidence.

‘ These, my Lords, are three Essentials which the Wisdom of our Ancestors has made indispensably previous to the Arrest or Imprisonment of the meanest *Briton*; it must appear that there is a Crime committed, that the Person to be seized is suspected of having committed it, and that the Suspicion is founded upon Probability. Requisites so reasonable in their own Nature, so necessary to the Protection of every Man’s Quiet and Reputation, and by Consequence so useful to the Security and Happiness of Society, that I suppose they will need no Support or Vindication. Every Man is interested in the Continuance of this Method of proceeding, because no Man is secure from suffering by the Interruption or Abolition of it.

‘ Such, my Lords, is the Care and Caution which the Law directs in the first Part of any Criminal Process, the Detainment of the Person supposed guilty; nor is the Method of Trial prescribed with less Regard to the Security of Innocence.

‘ It is an established Maxim, that no Man can be obliged to accuse himself, or to answer any Questions which may have any Tendency to discover what the Nature of this Defence requires to be concealed. His Guilt must appear ei-

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ther by voluntary and unconstrained Confession, which the Terrors of Conscience have sometimes extorted, and the Notoriety of the Crime has at other Times produced, or by the Deposition of such Witnesses as the Jury shall think worthy of Belief.

X

‘ To the Credibility of any Witness it is always requisite that he be disinterested; that his own Cause be not involved in that of the Person accus’d; and that he has no Prospect of advancing his Fortune, but only of clearing his Reputation, or securing his Life. For it is made too plain by daily Examples, that Interest will prevail over the Virtue of most Men, and that it is not safe to believe those who are strongly tempted to deceive.

‘ There are Cases, my Lords, where the Interest of the Person offering his Evidence is so apparent, that he is not even admitted to be heard, and any Benefit which may possibly be proposed, is admitted as an Objection to Evidence, and weakens it in a Measure proportionate to the Distance of the Prospect and the Degree of Profit.

X

‘ Such are the Rules hitherto followed in criminal Proceedings, the Violation of which has been always censured as Cruelty and Oppression, and perhaps always been repented even by those who proposed and defended it, when the Com-motions of Party have subsided, and the Heat of Opposition has given way to unprejudiced Reflection.

‘ Of these Rules, my Lords, it is not necessary to produce any Defence from the Practice of distant Nations, because it is sufficient in the present Case that they are established by the Constitution of this Country, to which every Briton has a Right to appeal; for how can any Man defend his Conduct, if having acted under one Law, he is to be tried by another \* ?

‘ Let us therefore, my Lords, apply these Rules to the present Bill, and enquire what Regard appears to have been paid to them by the Commons, and how well we shall observe them by concurring in their Design.

‘ With Respect to the first, by which it is required, that there be a known and manifest Crime, it does not appear to have engaged the least Attention in the other House; for no Fact is specified in the Bill upon which a Prosecution can be founded, and therefore to enquire after Evidence is somewhat preposterous; it is inviting Men to give their Opinion without a subject, and to answer without a Question.

‘ It may be urged, indeed, that there is an universal Discontent over the whole Nation, that the Clamour against the

\* See TIMBERLAND’S History of the House of Lords, Vol. III. p. 281, 304, and 399.

the Person mentioned in the Bill has been continued for An. 15. Geo. 3.  
 many Years ; that the Influence of the Nation is impaired  
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 in foreign Countries ; that our Treasury is exhausted ; that  
 our Liberties have been attacked, our Properties invaded,  
 and our Morals corrupted ; but these are yet only Rumours,  
 without Proof and without legal Certainty, which may in-  
 deed with great Propriety give Occasion to an Enquiry, and  
 perhaps by that Enquiry some Facts may be ascertained  
 which may afford sufficient Reasons for farther Procedure.

‘ But such, my Lords, is the Form of the Bill now before  
 us, that if it should pass into a Statute, it would in my  
 Opinion, put a Stop to all future Enquiry by making those  
 incapable of giving Evidence, who have had most Opportu-  
 nities of knowing those Transactions, which have given the  
 chief Occasion of Suspicion, and from whom therefore the  
 most important Information must naturally be expected.

‘ The first requisite Qualification of a Witness, whether  
 we consult natural Equity and Reason, or the common Law  
 of our own Country, is Disinterestedness ; an Indifference,  
 with Regard to all outward Circumstances, about the Event  
 of the Trial, at which his Testimony is required. For he  
 that is called as a Witness where he is interested, is in  
 reality giving Evidence in his own Cause.

‘ But this Qualification, my Lords, the Bill now before  
 us manifestly takes away ; for every Man who shall appear  
 against the Person into whose Conduct the Commons are en-  
 quiring, evidently promotes, in the highest Degree, his own  
 Interest by his Evidence, as he may preclude all Examination  
 of his own Behaviour, and secure the Possession of that  
 Wealth which he has accumulated by Fraud and Oppression,  
 or perhaps preserve that Life which the Justice of the Na-  
 tion might take away.

‘ Nothing, my Lords, is more obvious than that this  
 Offer of Indemnity may produce Perjury and false Accusa-  
 tion ; nothing is more probable than that he who is conscious  
 of any atrocious Villanies which he cannot certainly secure  
 from Discovery, will snatch this Opportunity of committing  
 one Crime more, to set himself free from the Dread of  
 Punishment, and blot out his own Guilt for ever, by charg-  
 ing the Earl of Orford as one of his Accomplices.

‘ It may be urged, my Lords, that he who shall give  
 false Evidence, forfeits the Indemnity to which the honest  
 Witness is intitled ; but let us consider why this should be  
 now, rather than in any former Time, accounted a sufficient  
 security against Falshood and Perjury. It is at all Times  
 criminal, and at all Times punishable, to commit Perjury,  
 and yet it has been hitherto thought necessary not only to  
 deter

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deter it by subsequent Penalties, but to take away all previous Temptations ; no Man's Oath will be admitted in his own Cause, tho' offered at the Hazard of the Punishment inflicted upon Perjury. To offer Indemnity to invite Evidence, and to deter them from false Accusations by the Forfeiture of it, even tho' we should allow to the penal Clause all the Efficacy which can be expected by those who proposed it, is only to set one Part of the Bill at variance with the other, to erect and demolish at the same Time.

' But it may be proved, my Lords, that the Reward will have more Influence than the Penalty, and that every Man who can reason upon the Condition in which he is placed by this Bill, will be more incited to accuse the Earl of *Oxford*, however unjustly, by the Prospect of Security, than intimidated by the Forfeiture incurred by Perjury.

' For, let us suppose, my Lords, a Man whose Conduct exposes him to Punishment, and who knows that he shall not long be able to conceal it ; what can be more apparently his Interest, than to contrive such an Accusation as may complicate his own Wickedness with some Transactions of the Person to whom this Bill relates ? He may indeed be possibly confuted and lose the Benefit offered by the Government, but the Loss of it will not place him in a Condition more dangerous than that which he was in before ; he has already deserved all the Severity to which Perjury will expose him, and by forging a bold and well connected Calumny he has at least a Chance of escaping.

' Let us suppose, my Lords, that the Bill now under our Consideration assigned a pecuniary Reward to any Man who should appear against this Person, with a Clause by which he that should accuse him falsely should be dismissed without his Pay ; would not this appear a Method of Prosecution contrary to Law, and Reason, and Justice ? Would not every Man immediately discover, that the Witnesses were bribed, and therefore they would deserve no Credit ? And what is the Difference between the Advantage now offered and any other Consideration, except that scarcely any other Reward can be offered so great, and consequently so likely to influence ?

' It is to be remembered that the Patrons of this Bill evidently call for Testimony from the abandoned and the profligate, from Men whom they suppose necessarily to confess their own Crimes in their Depositions ; and surely Wretches like these ought not to be solicited to Perjury by the Offer of a Reward.

' How cruel must all impartial Spectators of the publick Transactions account a Prosecution like this ? What would be

be your Lordships Judgment, should you read, that in any distant Age, or remote Country, a Man was condemned upon the Evidence of Persons publicly hired to accuse him, and who, by their own Confession, were Traitors to their Country?

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‘ That Wickedness, my Lords, should be extirpated by Severity, and Justice rigorously exercised upon publick Offenders, is the uncontroverted Interest of every Country, and therefore it is not to be doubted, that in all Ages, the Reflections of the wisest Men have been employed upon the most proper Methods of detecting Offences; and since the Scheme now proposed has never been practised, or never but by the most oppressive Tyrants, in the most flagitious Times, it is evident that it has been thought inconsistent with Equity, and of a Tendency contrary to publick Happiness.

‘ I am very far, my Lords, from desiring that any Breach of national Trust should escape Detection, or that a publick Office should afford Security to Bribery, Extortion, or Corruption. I am far from intending to patronize the Conduct of the Person mentioned in the present Bill. Let the Commons proceed with the utmost Severity, but let them not deviate from Justice. If he has forfeited his Fortune, his Honours, or his Life, let them by a legal Process be taken from him; but let it always be considered, that he, like every other Man, is to be allowed the common Methods of Self-defence; that he is to stand or fall by the Laws of his Country, and to retain the Privileges of a Briton, till it shall appear that he has forfeited them by his Crimes.

To censure Guilt, my Lords, is undoubtedly necessary, and to enquire into the Conduct of Men in Power, incontrovertibly just; but, by the Laws both of Heaven and Earth, the Means as well as the End are prescribed, *rectum recte, legitimum legitime faciendum*; we must not only propose a good End in our Conduct, but must attain it by that Method which Equity directs and the Law prescribes.

‘ How well, my Lords, the Law has been observed hitherto on this Occasion, I cannot but propose that your Lordships should consider. It is well known that the Commons cannot claim a Right to administer an Oath, and therefore can only examine Witnesses by simple Interrogatories. That they cannot confer upon a Committee the Power which they have not themselves is indubitably certain, and therefore it is evident that they have exceeded their Privileges, and proceeded in their Enquiry by Methods which the Laws of this Nation will not support.

‘ That they cannot, my Lords, in their own Right administer an Oath they apparently confess by the Practice of calling



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calling in on that Occasion a Justice of the Peace, who, as soon as he has performed his Office, is expected to retire. This, my Lords, is an evident Elusion, for it is always intended that he who gives an Oath, gives it in Consequence of his Right to take the Examination; but in this Case the Witness takes an Oath, *coram non Judice*, before a Magistrate that has no Power to interrogate him; and is interrogated by those who have no Right to require his Oath.

‘ Such, my Lords, is my Opinion of the Conduct of the Committee of the House of Commons, of whom I cannot but conclude that they have assumed a Right, which the Constitution of our Government confers only on your Lordships, as a House of Parliament, a Court of Judicature, and therefore cannot think it prudent to confirm their Proceedings, by an Approbation of this Bill.

‘ The Commons may indeed imagine that the present State of Affairs makes it necessary to proceed by extraordinary Methods, they may believe that the Nation will not be satisfy’d without a Discovery of those Frauds which have been so long practised, and the Punishment of those Men by whom they have so long thought themselves betrayed and oppressed; but let us consider, that Clamour is not Evidence, and that we ought not either to recede from Justice, or from our own Rights, to satisfy the Expectations of the People.

‘ To remonstrate against this Invasion of our Privileges, my Lords, might be at this Juncture improper; the Dispute might in this Time of Commotion and Vicissitude distract the Attention of those to whom the publick Affairs are committed, retard the Business of the Nation, and give our Enemies those Advantages which they can never hope from their own Courage, or Policy, or Strength. It may therefore be prudent on this Occasion, only not to admit the Right which they have assumed, to satisfy ourselves with retaining our Privileges, without requiring any further Confirmation of them, and only defeat the Invasion of them, by rejecting the Bill, which is indeed of such a Kind as cannot be confirmed without hazarding not only our own Rights but those of every *Briton*.

‘ For here is a Species of Testimony invited, which is hitherto unknown to our Law, and from which it may be difficult to tell who can be secure; the Witnesses are required to disclose all Matters relating to the Conduct of the Earl of Orford, according to the best of their Knowledge, Remembrance, or Belief! A Form of Deposition, my Lords, of great Latitude; a Man’s Belief may be influenced by the Report of others who may deceive him, by his Observation of Circumstances either remote in themselves, or imperfectly dis-

discover'd, or by his own Reasonings, which must be just or fallacious according to his Abilities ; but which must yet have the same Effect upon his Belief, which they will influence, not in Proportion to their real Strength, but to the Confidence placed in them by himself.

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' There is only one Case, my Lords, in which, by the common Course of Proceedings, any Regard is had to meer Belief, and this Evidence is only accepted on that Occasion, because no other can possibly be obtained. When any Claim is to be determined by written Evidences, of which, in order to prove their Validity, it is necessary to enquire by whom they were drawn or signed ; those who are acquainted with the Writing of a dead Person, are admitted to deliver, upon Oath, their *Belief* that the Writing ascribed to him, was, or was not his ; but such secondary Witnesses are never called, when the Person can be produced whose Hand is to be proved.

' There is yet another Reason, for which it is improper to admit such Evidence as this Bill has a Tendency to promote. It is well known, that in all the Courts of Common Law, the Person accused is in some Degree secured from the Danger of being over-born by false Accusations, by the Penalty which may be inflicted upon Witnesses discover'd to be perjur'd ; but in the Method of Examination now proposed, a Method unknown to the Constitution, no such Security can be obtained, for there is no Provision made by the Laws for the Punishment of a Man who shall give false Evidence before a Committee of the House of Commons.

' It may likewise be observed, that this Bill wants one of the most essential Properties of Laws, Perspicuity and determinate Meaning ; here is an Indemnity promised to those who shall discover ALL that they *know, remember, or believe* : A very extensive Demand, and which may therefore be liable to more Fallacies and Evasions than can be immediately enumerated or detected. For how can any one prove that he has a Claim to the Indemnity ? He may, indeed, make some Discoveries, but whether he does not conceal something, who can determine ? May not such Reserves be suspected, when his Answers shall not satisfy the Expectations of his Interrogators ? And may not Suspicion deprive him of the Benefit of the Act ? May not a Man from Want of Memory, or Presence of Mind, omit something at his Examination which he may appear afterwards to have known ? And since no human Being has the Power of distinguishing exactly between Faults and Frailties, may not the Defect of his Memory be charged on him as a criminal Suppression of a known Fact ? And may not he be left to suffer the Con-

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sequences of his own Confession ? Will not the Bill give an apparent Opportunity for Partiality ? And will not Life and Death, Liberty and Imprisonment, be placed in the Hands of a Committee of the Commons ? May they not be easily satisfy'd with Informations of one Man, and incessantly prefs another to further Discoveries ? May they not call some Men notoriously criminal to Examination, only to secure them from Punishment, and set them out of the Reach of Justice ? And extort from others such Answers as may best promote their Views by declaring themselves unsatisfy'd with the Extent of their Testimony ? And will not this be an Extorting of Evidence equivalent to the Methods practis'd in the most despotick Governments, and the most barbarous Nations ?

*Here elegance  
Justice & morality  
- by are so bleed-  
- ed. that it is  
difficult to  
say, which  
claims pre-emi-  
nence.*

‘ It has always been the Praise of this House to pay an equal Regard to Justice and to Mercy, and to follow, without Partiality, the Direction of Reason, and the Light of Truth ; and how consistently with this Character, which it ought to be our highest Ambition to maintain, we can ratify the present Bill, your Lordships are this Day to consider. It is to be enquired, whether to suppose a Man guilty, only because some Guilt is suspected, be agreeable to Justice ; and whether it be rational, before there is any Proof of a Crime, to point out the Criminal ?

‘ We are to consider, my Lords, whether it is not unjust to hear, against any Man, an Evidence who is hired to accuse him, and hired with a Reward which he cannot receive without confessing himself a Man unworthy of Belief ?

‘ It is to be enquired, whether the Evidence of a Man who declares only what he believes, ought to be admitted, when the Nature of the Crime allows stronger Proof ; and whether any Man ought to be examined, where he cannot be punished, if he be found perjur'd ?

‘ A natural and just Regard to our own Rights, on the Preservation of which the Continuance of the Constitution must depend, ought to alarm us at the Appearance of any Attempt to invade them ; and the Necessity of known Forms of Justice ought to incite us to the Prevention of any Innovation in the Methods of prosecuting Offenders.

‘ For my own Part, my Lords, I cannot approve either the Principles or Form of the Bill. I think it necessary to proceed by known Precedents, when there is no immediate Danger that requires extraordinary Measures ; of which I am far from being convinced that they are necessary on the present Occasion. I think that the Certainty of a Crime ought to precede the Prosecution of a Criminal, and I see that there is in the present Case no Crime attempted to be proved.

The

The Commons have, in my Opinion, already exceeded their Privileges, and I would not willingly confirm their new Claims. For these Reasons, my Lords, I openly declare, that I cannot agree to the Bill's being read a second Time.

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Lord Talbot spoke next:

Lord Talbot.

' My Lords,

' So high is my Veneration for this great Assembly, that it is never without the utmost Efforts of Resolution, that I can prevail upon myself to give my Sentiments upon any Question that is the Subject of Debate, however strong may be my Conviction, or however ardent my Zeal.

' But in a very particular Degree do I distrust my own Abilities, when I find my Opinion contrary to that of the noble Lord who spoke last; and it is no common Perplexity to be reduced to the difficult Choice of either suppressing my Thoughts, or exposing them to so disadvantageous a Contrast.

' Yet, as I can't avoid declaring my Mind on this Question, without being condemned in my own Breast as a Defector of my Country, nor utter them without the Danger of becoming contemptible in the Eyes of your Lordships: I will, however, follow my Conscience, rather than my Interest, and tho' I should lose any Part of my little Reputation, I shall find an ample Recompence from the Consciousness that I lost it in the Discharge of my Duty, on an Occasion which requires from every good Man the Hazard of his Life.

' The Arguments of the noble Lord have had upon me an Effect which they never, perhaps, produced on any Part of his Audience before; they have confirmed me in the contrary Opinion to that which he has endeavoured to maintain. It has been remarked, that in some Encounters, not to be put to Flight is to obtain the Victory, and, in a Controversy with the noble Lord, not to be convinced by him, is to receive a sufficient Proof that the Cause in which he is engaged is not to be defended by Wit, Eloquence, or Learning.

' On the present Question, my Lords, as on all others, he has produced all that can be urg'd, either from the Knowledge of past Ages, or Experience of the present; all that the Scholar or the Statesman can supply, has been accumulated; one Argument has been added to another, and all the Powers of a great Capacity have been employed, only to shew that Right and Wrong cannot be confounded, and that Fallacy can never strike with the Force of Truth.

' When I survey the Arguments of the noble Lord, disrobed of those Ornaments which his Imagination has so liberally bestowed upon them, I am surprized at the momentary Effect which they had upon my Mind, and which they could

Ann. 15. Geo. II. could not have produced had they been cloath'd in the Language of any other Person.

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‘ For when I recollect, singly, the particular Positions upon which his Opinion seems to be founded, I do not find them by any Means uncontrovertible, some of them seem at best uncertain, and some evidently mistaken.

‘ That there is no apparent Crime committed, and that therefore no legal Enquiry can be made after the Criminal, I cannot hear without Astonishment : Is our Commerce ruin'd, are our Troops destroy'd, are the Morals of the People vitiated, is the Parliament croud'd with Dependents, are our Fleets disarm'd, our Allies betray'd, and our Enemies supported, without a Crime ? Was there no Certainty of any Crime committed, when it was moved to address his Majesty to dismiss this Person from his Councils for ever \* ?

‘ It has been observed, my Lords, that nothing but the Sight of the dead Body can warrant a Pursuit after the Murderer ; but this is a Concession sufficient for the present Purpose, for if, upon the Sight of a murdered Person, the Murderer may lawfully be enquired after, and those, who are reasonably suspected, detain'd and examin'd ; with equal Reason, my Lords, may the Survey of a ruin'd Nation, a Nation oppress'd with burthenfome Taxes, devour'd by the Caterpillars of a Standing Army, sunk into Contempt in every foreign Court, and repining at the daily Decay of its Commerce, and the daily Multiplication of its Oppressors, incite us to an Enquiry after the Author of its Miseries.

‘ It is asserted, that no Man ought to be called in Question for any Crime, who is not suspected of having committed it : This, my Lords, is a Rule not only reasonable in itself, but so naturally observed, that I believe it never yet was broken ; and I am certain, no Man will be charged with the Violation of it, for accusing this Person as an Enemy to his Country.

‘ But he that declares his Suspicion, may be called upon to discover upon what Facts it is founded ; nor will this Part of the Law produce any Difficulty in the present Case, for as every Man in the Nation suspects this Person of the most enormous Crimes, every Man can produce sufficient Arguments to justify his Opinion.

‘ On all other Occasions, my Lords, publick Fame is allowed some Weight ; that any Man is universally accounted wicked, will add Strength to the Testimony brought against him for any particular Offence ; and it is at least a sufficient Reason for calling any Man to Examination that a Crime is

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\* See Lord Carteret's Motion for that Purpose in *TIMBERLAND'S History of the House of Lords*, Vol. VII. p. 641.

committed, and that he is generally reported to be the *Am. 15. Dec. 1742.*  
Offender.

‘ That this is the State of the Person into whose Conduct the Commons are now enquiring; that he is censured by every Man in the Kingdom, whose Sentiments are not repressed by visible Influence; that he has no Friends but those who have sold their Integrity for the Plunder of the Publick, and that all who are not Enemies to their Country, have, for many Years, incessantly struggled to drag him down from the Pinnacle of Power, and expose him to that Punishment which he has so long deserved, and so long defied, is evident beyond Contradiction.

‘ Let it not therefore be urged, my Lords, that there is no Certainty of a Crime which is proved to the Conviction of every honest Mind: Let it not be said that it is unreasonable to suspect this Man, whom the Voice of the People, a Voice always to be revered, has so long condemned.

‘ The Method of procuring Evidence against him by an Act of Indemnity has been represented by the noble Lord as not agreeable to Justice or to Law: In the Knowledge of the Law, I am far from imagining myself able to contend with him; but, I think, it may not be improper to observe, that a Person of the highest Eminence in that Profession, whose long Study and great Abilities give his Decisions an uncommon Claim to Authority and Veneration, and who was always consider’d in this House with the highest Regard, appears to have entertained a very different Opinion.

‘ It was declar’d by him, without the least Restriction, that all Means were lawful which tended to the Discovery of Truth; and therefore the Publick may justly expect that extraordinary Methods should be used upon Occasions of uncommon Importance.

‘ Nor does this Expedient appear to me very remote from the daily Practice of promising Pardon to Thieves, on Condition that they will make Discoveries by which their Confederates may be brought to Justice.

‘ If we examine only the Equity of this Procedure, without Regard to the Examples of former Times, it appears to me easily defensible; for what can be more rational than to break a Confederacy of Wretches combined for the Destruction of the Happiness of Mankind, by dividing their Interest, and making use, for the publick Good, of that Regard for their own Safety, which has swallowed up every other Principle of Action.

‘ It is admitted, that Wickedness ought to be punished; and it is universally known, that Punishment must be preceded by Detection; any Method therefore that promotes the  
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Ann. 15. Geo. II Discovery of Crimes may be consider'd as advantageous to the Publick.

1742.

As there is no Wickedness of which the pernicious Consequences are more extensive, there are none which ought more diligently to be prevented, or more severely punished, than that of those Men who have dared to abuse the Power which their Country has put into their Hands; but how they can be convicted by any other Means than those which are now proposed, I confess myself unable to discover; for by a very small Degree of Artifice, a Man invested with Power may make every Witness a Partner of his Guilt, and no Man will be able to accuse him without betraying himself. In the present Case it is evident, that the Person, of whose Actions the Bill now before us is designed to produce a more perfect Discovery, has been combined with others in illegal Measures, in Measures which their own Security obliges them to conceal, and which therefore the Interest of the Publick demands to be divulged.

That *Paxton* has distributed large Sums for Purposes which he dares not discover, we are informed by the Reports of the Secret Committee\*; and I suppose every Body suspects that they were distributed as Rewards for Services which the Nation thinks not very meritorious; nor need any Man ask a Reason for such Suspicions.

But since it may possibly be suggested that *Paxton* expended these Sums contrary to his Master's Direction, or without his Knowledge, it may be demanded, Whether such an Assertion would not be an apparent Proof of a very criminal Degree of Negligence in a Man intrusted with the Care of the publick Treasure?

Thus, my Lords, it appears in my Opinion evident, that either he has concurred in Measures which his servile Agent, the mercenary Tool of Wickedness, is afraid to confess; or that he has been negligent of his Trust, and suffer'd the Treasure of the Nation to be squander'd by the meanest Wretches, without Account.

That the latter Part of the Accusation is undoubtedly just, the Report of the Commons cannot but convince us. It appears that for near eight Years, *Paxton* was so high in Confidence, that no Account was demanded from him: He bestow'd Pensions at Pleasure; he was surrounded, like his Master, by his Idolaters; and after the Fatigue of cringing in one Place, had an Opportunity of purchasing with the Taxes of the Nation, the Gratification of Tyranny in another.

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\* See the two Reports at large in CHANDLER's History of the Commons, Vol. XIII.

' I presume, my Lords, that no Man dares assert such a flagrant Neglect of so important an Office, to be not criminal in a very high Degree; to steal in private Houses that which is received in Trust, is Felony by the Statutes of our Country: And surely the Wealth of the Publick ought not to be less secure, than that of Individuals; nor ought he that connives at Robbery, to be treated with more Lenity than the Robber.

' Therefore, my Lords, as I cannot but approve of the Bill, I move that it may be read a second Time; and I hope the Reasons which I have offered, when joined with others which I expect to hear from Lords of a greater Experience, Knowledge and Capacity, will induce your Lordships to be of the same Opinion.'

Lord Hervey \* spoke next, to the following Effect:

' My Lords,

Lord Hervey.

' As the Bill now before us is of a new Kind, upon an Occasion no less new, I have endeavoured to bestow upon it a proportionate Degree of Attention, and have consider'd it in all the Lights in which I could place it. I have, in my Imagination, connected with it all the Circumstances with which it is accompanied, and all the Consequences that it may produce either to the present Age or to Futurity; but the longer I reflect upon it, the more firmly am I determined to oppose it, nor has Deliberation any other Effect than to crowd my Thoughts with new Arguments against it, and to heighten Dislike to Detestation.

' It must, my Lords, immediately occur to every Man at the first Mention of the Method of Proceeding now proposed, that it is such as nothing but extreme Necessity can vindicate; that the noble Person against whom it is contrived, must be a Monster burthensome to the World, that his Crimes must be at once publick and enormous, and that he has been already condemned by all Maxims of Justice, though he has had the Subtilty to escape by some unforeseen Defect in the Forms of Law. It might be imagined, my Lords, that there were the most evident Marks of Guilt in the Conduct of the Man, thus censured; that he had fled from the Justice of his Country; that he had openly suborned Witnesses in his Favour; or had by some Artifice, certainly known, obstructed the Evidence that was to have been brought against him. It might at least be reasonably conceived that his Crimes were of such a Kind as might in their own Nature easily be concealed, and that therefore some extraordinary Measures were necessary for the Discovery of Wickedness which lay out of the Reach of common Enquiry.

' But,

\* Lord Privy Seal.

An. 15. Geo. II.  
1742.



An. 15. Geo. II.  
1742.



‘ But, my Lords, none of these Circumstances can be now alledged, for there is no Certainty of any Crime committed, nor any Appearance of Consciousness or Fear in the Person accused, who sets his Enemies at Defiance in full Security, and declines no legal Trial of his past Actions ; of which it ought to be observed, that they have by the Nature of his Employments been so publick, that they may easily be examined without Recourse to a new Law to facilitate Discoveries.

‘ This Bill therefore is, my Lords, at least unnecessary, and an Innovation not necessary ought always to be rejected ; because no Man can foresee all the Consequences of new Measures, or can know what Evils they may create, or what subsequent Changes they may introduce. The Alteration of one Part of a System, naturally requires the Alteration of another.

‘ But, my Lords, that there is no Necessity for this Law now proposed, is not the strongest Argument that may be brought against it ; for there is, in reality, a Necessity that it should be rejected. Justice and Humanity are necessarily to be supported, without which no Society can subsist, nor the Life or Property of any Man be enjoyed with Security : And neither Justice nor Humanity can truly be said to reside, where a Law, like this, has met with Approbation.

‘ My Lords, to prosecute any Man by such Methods is to overbear him by the Violence of Power, to take from him all the Securities of Innocence, and divest him of all the Means of Self-Defence. It is to hire against him those whose Testimonies ought not to be admitted, if they were voluntarily produced, and of which, surely, nothing will be farther necessary to annihilate the Validity, than to observe that they are the Depositions of Men who are Villains by their own Confession, and of whom the Nation sees, that they may save their Lives by a bold Accusation whether true or false.

‘ That the Bill will indeed be effectual to the Purposes designed, that it will croud the Courts of Justice with Evidence, and open Scenes of Wickedness never discovered before, I can readily believe ; for I cannot imagine that any Man who has exposed his Life by any flagrant Crime, will miss so fair an Opportunity of saving it by another. I shall expect, my Lords, that Villains of all Denominations who are now skulking in private Retreats, who are eluding the Officers of Justice, or flying before the publick Pursuit of the Country, will secure themselves by this easy Expedient ; and that Housebreakers, Highwaymen, and Pickpockets, will come up in Crouds to the Bar, charge the Earl of Or-

*ford*

*ford* as their Accomplice, and plead this Bill as a Security *An. 15. Geo. II.*  
 against all Enquiry. 1742.

‘ That this Supposition, however wild and exaggerated it may seem, may not be thought altogether chimerical, that it may appear with how little Consideration this Bill has been drawn, and how easily it may be perverted to the Patronage of Wickedness, I will lay before your Lordships such a Plea as may probably be produced by it.

‘ A Man whom the Consciousness of Murder has for some Time kept in continual Terrors, may clear himself forever, by alledging he was commissioned by the Earl of *Orford*, to engage, with any certain Sum, the Vote or Interest of the murdered Person ; that he took the Opportunity of a solitary Place to offer him the Bribe, and prevail upon him to comply with his Proposals ; but that finding him obstinate and perverse, filled with Prejudices against a wise and just Administration, and inclined to obstruct the Measures of the Government, he for some Time expostulated with him ; and being provoked by his contumelious Representations of the State of Affairs, he could no longer restrain the Ardour of his Loyalty ; but thought it proper to remove from the World a Man so much inclined to spread Sedition among the People ; and that therefore finding the Place convenient, he suddenly rush’d upon him, and cut his Throat.

‘ Thus, my Lords, might the Murderer represent his Case, perhaps without any legal Confutation ; thus might the most atrocious Villanies escape Censure, by the Assistance of Impudence and Cunning.

‘ A Bill like this, my Lords, is nothing less than a Proscription ; the Head of a Citizen is apparently set to Sale, and Evidence is hired, by which the Innocent and the Guilty may be destroyed with equal Facility.

‘ It is apparent, my Lords, that they, by whom this Bill is proposed, act upon the Supposition that the noble Person mentioned in it, is guilty of all these Crimes of which he is suspected ; a Supposition, my Lords, which it is unjust to make, and to which neither Reason, nor the Laws of our Country, will give Countenance or Support.

‘ I, my Lords, will much more equitably suppose him innocent ; I will suppose that he has, throughout all the Years of his Administration, steadily prosecuted the best Ends, by the best Means ; that if he has sometimes been mistaken or disappointed, it has been neither by his Negligence or Ignorance, but by false Intelligence, or Accidents not to be foreseen ; and that he has never either sacrificed his Country to private Interest, or procured, by any illegal Methods, the Assistance and Support of the Legislature ; and I will ask  
 your

**Ans. 15. Geo. II.** your Lordships, whether, if this Character be just, the Bill ought to be passed, and doubt not but every Man's Conscience will inform him, that it ought to be rejected with the utmost Indignation.

1742

‘ The Reason my Lords, for which it ought to be rejected is evidently this, that it may bring Innocence into Danger: But, my Lords, every Man before his Trial is to be supposed innocent, and therefore no Man ought to be exposed to the Hazards of a Trial, by which Virtue and Wickedness are reduced to a Level. A Bill like this ought to be marked out as the utmost Effort of Malice, as a Species of Cruelty never known before, and as a Method of Prosecution censur'd by this House.

‘ I did not, indeed, expect from those who have so long clamour'd with incessant Vehemence against the Measures of the Ministry, such an open Confession of their own Weakness. Nothing, my Lords, was so frequently urged, or so warmly exaggerated, as the Impossibility of procuring Evidence against a Man in Power. Nothing was more confidently asserted, than that his Guilt would easily be proved when his Authority was at an End, and that even his own Agents, would readily detect him, when they were no longer dependent upon his Favour.

‘ The Time, my Lords, so long expected, and so ardently desired, is at length come. This noble Person whom they have so long pursued with Declamations, Invectives, and general Reproaches, has at length resigned those Offices which set him above Punishment or Trial; he is now without any other Security than that by which every other Man is shelter'd from Oppression, the publick Protection of the Laws of his Country; but he is yet found impregnable, he is yet able to set his Enemies at Defiance; and they have therefore now, with great Sagacity, contrived a Method, by which he may be divested of the common Privileges of a social Being, and may be hunted, like a wild Beast, without Defence, and without Pity.

‘ Where, my Lords, can it be expected, that Malice like this will find an End? Is it not reasonable to imagine, that if they should be gratified in this Demand, and should even find this Expedient baffled by the Abilities which they have so often encounter'd without Success, they would proceed to Measures yet more violent; and punish him without Evidence, whom they call to a Trial without a Crime?

‘ It has been observed by the noble Lord who spoke last, that there are Crimes mentioned in the Report of the Secret Committee of the House of Commons, or that at least such Facts are asserted in it, that an Accusation may, by easy  
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Deductions be form'd from them. The Report of that Committee, my Lords, with whatever Veneration it may be mentioned, by those whose Purposes it happens to favour, or of whatever Importance it may be in the other House, is here nothing but a Pamphlet, not to be regarded as an Evidence, or quoted as a Writing of Authority. It is only an Account of Facts of which we know not how they were collected, and which every one may admit or reject at his own Choice, till they are ascertained by proper Evidence at our own Bar, and which therefore ought not to influence our Opinion in the present Debate.

An. 15. Geo. II.  
1742.

‘ Nor is the Bill, my Lords, only founded upon Principles inconsistent with the Constitution of this Nation, apparently tending to the Introduction of a new Species of Oppression, but is in itself such as cannot be ratified without Injury to the Honour of this great Assembly.

‘ In examining this Bill, my Lords, I think it not necessary to dwell upon the more minute and trivial Defects of Expression, tho’ they are such as might justly give Occasion for suspecting that they by whom it was written, were no less Strangers to our Language than to our Constitution. There are Errors or Falshoods which it more nearly concerns us to detect, and to which we cannot give any Sanction without an eminent Diminution of our own Authority.

‘ It declares, my Lords, that there is now an Inquiry depending before the Parliament : An Assertion evidently false, for the Inquiry is only before the Commons. Whether this was inserted by Mistake or Design, whether it was intended to insinuate that the whole Parliamentary Power was comprised in the House of Commons, or to persuade the Nation that your Lordships concurred with them in this Inquiry, it is not possible to determine ; but since it is false in either Sense, it ought not to receive our Confirmation.

‘ If we should pass the Bill in its present State, we should not only declare our Approbation of the Measures hitherto pursued by the Commons, by which it has been already proved, by the noble and learned Lord who spoke first against the Bill, that they have not only violated the Law, but invaded the Privileges of this House ; we should not only establish for ever in a Committee of the House of Commons, the Power of examining upon Oath by an elusive and equivocatory Expedient ; but we should in Effect vote away our own Existence, give up at once all Authority in the Government, and grant them an unlimited Power, by acknowledging them the Parliament : An Acknowledgment

An. 15. Geo. II. which might, in a very short Time, be quoted against us, and from which it would not be easy for us to extricate ourselves.

1742.

‘ It has, indeed, been remark’d, that there is a large Sum of Money disbursed without Account; and the Publick is represented as apparently injured, either by Fraud or Negligence: But it is not remembered that none but his Majesty has a Right to inquire into the Distribution of the Revenue appropriated to the Support of his Family and Dignity, and the Payment of his Servants; and which therefore cannot with any Degree be called publick Money, or fall under the Cognizance of those whom it concerns to inspect the publick Accounts. Either the Civil List must be exempt from Inquiries, or his Majesty must be reduced to a State below that of the meanest of his Subjects; he can enjoy neither Freedom or Property, and must be debarr’d for ever from those Blessings which he is incessantly labouring to secure to others.

‘ There is likewise another Consideration which my Regard for the Honour of this House suggested to me, and of which I doubt not but that all your Lordships will allow the Importance. The noble Person who is pointed out in this Bill as a publick Criminal, and whom all the Villains of the Kingdom are invited to accuse, is invested with the same Honours as ourselves, and has a Son who has for many Years possessed a Seat amongst us; let us not therefore concur with the Commons to load our own House with Infamy, and to propagate Reproach which will at last rest upon ourselves.

‘ Innumerable are the Objections, my Lords, which might yet be urged, and urged without any Possibility of Reply; but as I have already been heard with so much Patience, I think what has been already mentioned sufficient to determine the Question; and as I doubt not but the other Defects and Absurdities will be observed, if it be necessary, by some other Lords, I shall presume only to add, That as the Bill appears to me contrary to the Laws of this Nation, to the common Justice of Society, and to the general Reason of Mankind; as it must naturally establish a Precedent of Oppression, and confirm a Species of Authority in the other House which was either never claimed before, or always denied; as I think the most notorious and publick Criminal ought not to be deprived of that Method of Defence which the established Customs of our Country allow him; and as I believe the Person mentioned in this Bill to deserve rather Applauses and Rewards than Censures and Punishments, I think myself obliged to oppose it; and hope to find your Lordships unanimous in the same Opinion.

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The Duke of *Argyle* answer'd in Substance as follows ;

*My Lords,*

An. 15. Geo. II.  
1742.

‘ Whatever may be the Fate of this Question, I have little Hope that it will be unanimously decided, because I have Reason to fear that some Lords have conceived Prejudices against the Bill, which hinder them from discovering either its Reasonableness or its Necessity ; and I am convinced that others who approve the Bill, can support their Opinion by Arguments from which, as they cannot be confuted, they never will recede.

*D. of Argyle.*

‘ Those Arguments, which have influenced my Opinion, I will lay before your Lordships ; and doubt not of shewing that I am very far from giving Way to personal Malice, or the Prejudices of Opposition ; and that I regard only the Voice of Reason, and Call of the Nation.

‘ Calmness and Impartiality, my Lords, have been with great Propriety recommended to us by the noble Lord who spoke first in this Debate ; and I hope he will discover by the Moderation with which I shall deliver my Sentiments on this Occasion, how much I reverence his Precepts, and how willingly I yield to his Authority.

‘ I am, at least, certain, that I have hitherto listened to the Arguments that have been offered on either Side, with an Attention void of Prejudice. I have repressed no Motions of Conviction, nor abstracted my Mind from any Difficulty, to avoid the Labour of solving it. I have been solicitous to survey every Position in its whole Extent, and trace it to its remotest Consequences. I have assisted the Arguments against the Bill by favourable Suppositions, and imaginary Circumstances, and have endeavoured to divest my own Opinion of some accidental Advantages, that I might view it in a State less likely to attract Regard : And yet I cannot find any Reason by which I could justify myself, to my Country or my Conscience, if I should concur in rejecting this Bill, or should not endeavour to promote the passing of it.

‘ I am not unacquainted, my Lords, with the Difficulties that obstruct the Knowledge of our own Hearts, and cannot deny that Inclination may be sometimes mistaken for Conviction ; and that Men even wise and honest, may imagine themselves to believe what, in reality, they only wish ; but this, my Lords, can only happen for want of Attention, or on sudden Emergencies when it is necessary to determine with little Consideration, while the Passions have not yet Time to subside, and Reason is yet struggling with the Emotions of Desire.

An. 15. Geo. II.

1742.

‘ In other Circumstances, my Lords, I am convinced that no Man imposes on himself without conniving at the Fraud, without Consciousness that he admits an Opinion which he has not well examined ; and therefore, my Lords, I can with Confidence affirm, that I now declare my real Opinion, and that if I err, I err only for want of Abilities to discover the Truth, and hope it will appear to your Lordships, that I have been misled at least by specious Arguments, and deceived by fallacious Appearances which it is no Reproach not to have been able to detect.

‘ It will, my Lords, be granted, I suppose, without Hesitation, that the Law is consistent with itself, that it never at the same Time commands and prohibits the same Action, that it cannot be at once violated and observed.

‘ From hence it will inevitably follow, that where the Circumstances of any Transaction are such, that the Principles of that Law by which it is cognisable are opposite to each other, some Expedients may be found by which these Circumstances may be altered. Otherwise a subtle or powerful Delinquent will always find Shelter in Ambiguities, and the Law will remain utterly inactive.

‘ On the present Occasion, my Lords, I pronounce with the utmost Confidence as a Maxim of indubitable Certainty, ‘ That the Publick has a Claim to every Man’s Evidence. ‘ And that no Man can plead Exemption from this Duty to ‘ his Country.’ But those whom false Gratitude, or contracted Notions of their own Interest, or Fear of being intangled in the Snares of Examination, prompt to disappoint the Justice of the Publick, urge with equal Vehemence, and indeed with equal Truth, ‘ That no Man is obliged to accuse himself ; and that the Constitution of *Great Britain* allows ‘ no Man’s Evidence to be extorted from him to his own ‘ Destruction.’

‘ Thus, my Lords, two of the first Principles of the *British* Law, tho’ Maxims equally important, equally certain, and equally to be preserved from the least Appearance of Violation, are contradictory to each other, and neither can be obey’d because neither can be infringed.

‘ How then, my Lords, is this Contradiction to be reconciled, and the Necessity avoided of breaking the Law on one Side or the other but by the Method now proposed, of setting those, whose Evidence is requir’d, free from the Danger which they may incur by giving it.

‘ The End of the Law is the Redress of Wrong, the Protection of Right, and the Preservation of Happiness ; and the Law is so far imperfect as it fails to produce the End  
for

for which it is instituted, and where any Imperfection is discovered it is the Province of the Legislature to supply it. An. 15. Geo. II.  
1742

‘ By the Experience, my Lords, of one Generation after another, by the continued Application of successive Ages, was our Law brought to its present Accuracy. As new Combinations of Circumstances, or unforeseen Artifices of Evasion discovered to our Ancestors the Insufficiency of former Provisions, new Expedients were invented ; and as Wickedness improved its Subtilty, the Law multiplied its Powers, and extended its Vigilance.

‘ If I should, therefore, allow, what has been urged, that there is no Precedent of a Bill like this, what can be inferred from it, but that Wickedness has found a Shelter that was never discovered before, and which must be forced by a new Method of Attack ? And what then are we required to do more than has been always done by our Ancestors, on a Thousand Occasions of far less Importance ?

‘ I know not, my Lords, whether it be possible to imagine an Emergency that can more evidently require the Interposition of the Legislative Power, than this which is now proposed to your Consideration. The Nation has been betray’d in Peace, and disgraced in War ; the Constitution has been openly invaded ; the Votes of the Commons set publicly to Sale ; the Treasures of the Publick have been squandered to purchase Security to those by whom it was oppressed ; the People are exasperated to Madness ; the Commons have begun their Inquiry that has been for more than twenty Years demanded and eluded ; and Justice is on a sudden insuperably retarded by the Deficiency of the Law.

‘ Surely, my Lords, this is an Occasion that may justify the Exertion of unusual Powers, and yet nothing either new or unusual is required ; for the Bill now proposed may be supported both by Precedents of occasional Laws, and parallel Statutes of lasting Obligations.

‘ When Frauds have been committed by the Agents of trading Companies, Bills of Indemnity to those by whom any Discoveries should be made, have been proposed and passed without any of those dreadful Consequences, which some noble Lords have foreseen in this. I have never heard that any Man was so stupid as to mistake such a Bill for a general Act of Grace, or that the Confession of any Crimes was procured by it, except of those which it was intended to detect. I have never been informed that any Murderer thought of flying to such an Act as to a common Shelter for Villainy. Such Suppositions, my, Lords, can be intended only to prolong a Controversy ; nor can such trifling Exaggerations con-



An. 15. Geo. II. tribute to any other End than of discovering the Fertility of  
 1742. Imagination, and the Exuberance of Eloquence.

X { For my Part, my Lords, I think Passion and Negligence  
 equally culpable in a Debate like this; and cannot forbear to  
 recommend Seriousness and Attention, with the same Zeal,  
 with which Moderation and Impartiality have already been  
 inculcated. He that entirely disregards the Question in De-  
 bate, who thinks it too trivial for a serious Discussion, and  
 speaks upon it with the same superficial Gaiety with which  
 he would relate the Change of a Fashion, or the Inci-  
 dents of a Ball, is not very likely, either to discover or pro-  
 propagate the Truth; and is less to be pardoned than he who is  
 betrayed by Passion into Absurdities, as it is less criminal to  
 injure our Country by Zeal than by Contempt.

‘ That Bills, without any essential Difference from that  
 which is now before us, have been passed in Favour of  
 private Companies, is indisputably certain; it is certain that  
 they never produced any other Effect, than such as was ex-  
 pected from them by those who promoted them. It is evi-  
 dent that the Welfare of the Nation is more worthy of our  
 Regard than any separate Company; that the Whole is of  
 more Importance than a Part; and therefore the same Mea-  
 sures may be now used with far greater Justice, and with  
 equal Probability of Success.

X ‘ The Necessity of the Law now proposed, my Lords,  
 cannot more plainly appear, than by reflecting on the Ab-  
 surdity of the Pleas made Use of for refusing it; which, con-  
 sider’d in the Whole, contain only this Assertion, ‘ That the  
 ‘ Security of one Man is to be preferred to Justice, to  
 ‘ Truth, to publick Felicity;’ that a Precedent is rather to  
 be established, which will for ever shelter every future Mini-  
 ster from the Laws of our Country; and that all our Mis-  
 eries are rather to be born in Silence, or lamented in Impotence,  
 than the Man, whom the whole Nation agrees to accuse as  
 the Author of them, should be exposed to the Hazard of a  
 Trial, even before those whom every Tye of Interest and long  
 continued Affection has united to him.

‘ It is indeed objected, that by passing this Bill, we shall  
 transfer the Authority of trying him to the other House; that  
 we shall give up our Privileges for ever; erect a new Court  
 of Judicature; and overturn the Constitution.

X ‘ I have long observed, my Lords, how vain it is to argue  
 against those whose Resolutions are determined by extrinick  
 Motives. I have been long acquainted with the Art of  
 disguising Obstinacy, by an Appearance of Reasons that have  
 no Weight, even in the Opinion of him by whom they are  
 offered; and of raising Clouds of Objections, which, by the  
 first

first Reply, will certainly be dissipated; but which, at least, *An. 15. Geo. II.* *X*  
fill the Mouth for a Time, and preserve the Disputant from  
the Reproach of adhering to an Opinion, in Vindication of  
which he had nothing to say. 1742.

‘ Of this Kind is the Objection which I am now to remove, tho’ I remove it only to make Way for another, for those can never be silenced who can satisfy themselves with Arguments like this; however those that offer it expect it should be answered, and if it should be passed over in the Debate, will boast of its being irrefragable, and imagine that they have gain’d the Victory by the Superiority of their Abilities, rather than of their Numbers.

‘ That we shall, by passing this Bill, give the Commons a Power which they want at present, is unquestionably evident; but we shall only retrieve that which they were never known to want before, the Power of producing Evidence; Evidence which we, my Lords, must hear, and of those Testimonies we shall reserve the Judgment to ourselves. The Commons will only act as Prosecutors, a Character in which they were never conceived to encroach upon our Right. The Man whose Conduct is the Subject of Inquiry, must stand his Trial at our Bar; nor has the Bill any other Tendency, than to enable the Commons to bring him to it.

‘ What can be alledged against this Design I know not, because I can discover no Objections which do not imply Guilt; and Guilt we are not yet at Liberty to suppose. I am so far from pressing this Bill from any Motive of personal Malevolence, that I am only doing, in the Case of the Minister, what I should ardently desire to be done in my own; and what no Man would wish to obstruct, who was supported by a Consciousness of Integrity, and stimulated by that honest Sense of Reputation which I have always found the Companion of Innocence.

‘ I hope I shall be readily believed by your Lordships, when I assert once more, that I should not only forbear all Opposition to a Bill intended to produce a Scrutiny into my Conduct, but that I should promote it with all my Interest, and solicit all my Friends to support it; for there was once a Time, my Lords, in which my Behaviour was brought to the Test, a Time when no Expedient was forgotten by which I might be oppressed, nor any Method untried to procure Accusations against me.

‘ Whether the present Case in every Circumstance will stand exactly parallel to mine, I am very far from presuming to determine. I had served my Country with Industry, Fidelity and Success; and had received the illustrious Testimony of my Conduct, the publick Thanks of this House.

An. 15. Dec. 11.

1742.



I was conscious of no Crime, nor had gratify'd in my Services any other Passion than my Zeal for the Publick; I saw myself ignominiously discarded, and attacked by every Method of Calumny and Reproach.; not was the Malice of my Enemies satisfied with destroying my Reputation, without impairing my Fortune. For this Purpose a Prosecution was projected, a Wretch was found out who engaged to accuse me, and received his Pardon for no other Purpose; nor did I make any Opposition to it in this House, tho' I knew the Intent with which it was procured, and was informed that Part of my Estate was allotted him to harden his Heart, and strengthen his Assertions.

' This, my Lords, is surely a Precedent which I have a Right to quote, and which will vindicate me to your Lordships from the Imputation of Partiality and Malignity; since it is apparent that I do only in the Case of another, what I willingly submitted to when an Inquiry was making into my Conduct.

' But, my Lords, this is far from being the only Precedent which may be pleaded in favour of this Bill, a Bill which in reality concurs with the general and regular Practice of the establish'd Law, as will appear to any one that compares it with the eighth Section of the *Act for preventing Bribery*; in which it is established as a perpetual Law, that he, who, having taken a Bribe, shall, within twelve Months, inform against him that gave it, shall be received as an Evidence, and be indemnified from all the Consequences of his Discovery.

' To these Arguments of Reason and Precedent I will add one of a more prevalent Kind, drawn from Motives of Interest, which surely would direct our Ministers to favour the Inquiry, and promote every Expedient that might produce a compleat Discussion of the publick Affairs; since they would shew that they are not afraid of the most rigorous Scrutiny, and are above any Fears that the Precedent which they are now establishing may revolve upon themselves.

' To elude the Ratification of this Bill, it was at first urged, that there was no Proof of any Crime; and when it was shewn that there was an apparent Misapplication of Publick Money, it became necessary to determine upon a more hardly Assertion, and to silence malicious Reasoners, by shewing them how little their Arguments would be regarded. It then was denied, with a Spirit worthy of the Cause in which it was exerted, that the Civil List was Publick Money.

' Disputants, like these, my Lords, are not born to be confuted; it would be to little Purpose that any Man should ask,

ask, whether the Money allotted for the Civil List was not granted by the Publick, and whether Publick Grants did not produce Publick Money; it would be without any Effect, that the Uses for which that Grant is made should be enumerated, and the Misapplication of it openly proved; a Distinction, or at least a Negative would be always at Hand, and Obstinacy and Interest would turn Argument aside.

An. 15. Geo. II.  
1742.

‘ Upon what Principles, my Lords, we can now call out for a Proof of Crimes, and proceed in the Debate as if no just Reason of Suspicion had appeared, I am not able to conjecture; here is, in my Opinion, if not demonstrative Proof, yet the strongest Presumption of one of the greatest Crimes of which any Man can be guilty, the Propagation of Wickedness, of the most notorious Breach of Trust which can be charged upon a *British* Minister, a deliberate Traffick for the Liberties of his Country.

‘ Of these enormous Crimes, however difficult it may now seem to disengage him from them, I hope we shall see Reason to acquit him at the Bar of this House, at which, if he be innocent, he ought to be desirous of appearing; nor do his Friends consult his Honour, by endeavouring to withhold him from it; if they indeed believe him guilty, they may then easily justify their Conduct to him, but the World will, perhaps, require a more publick Vindication.

‘ These, my Lords, are the Arguments which have influenced me hitherto to approve of the Bill now before us, and which will continue their Prevalence, till I shall hear them confuted; and surely, if they are not altogether unanswerable, they are yet of so much Importance, that the Bill for which they have been produced, must be allowed to deserve at least a deliberate Examination, and may be very justly referred to a Committee.

The Earl of *Cholmondeley* \* spoke next to the following Purpose:

‘ *My Lords,*

‘ This Bill is, in my Opinion, so far from deserving Approbation, that I am in doubt whether, I should retard the Determination of the House, by laying before you the Reasons which influence me in this Debate; nor indeed could I prevail upon myself to enter into a formal Discussion of a Question, on which I should have imagined that all Mankind would have been of one Opinion, did not my Respect for the Abilities of those noble Lords who have spoken in Defence of the Bill, incline me even against the Conviction of my own Reason, to suspect that Arguments may be offered in its Favour, which I have not been able to discover; and that

E. of Cholmondeley.

\* Son-in-Law to the Earl of Orford.

An. 15. Geo. II.  
1742.

that those which have been produced, however inconclusive they have seem'd, will operate more powerfully, when they are more fully displayed, and better understood.

' For this Reason I shall lay before your Lordships the Objections which arose in my Mind when the Bill was first laid before us, and which have rather been strengthened than invalidated by the subsequent Debate.

' It appears, my Lords, evident to me, that every Man has a Right to be tried by the known Laws of his Country ; that no Man can be justly punished by a Law made after the Commission of a Fact, because he then suffers by a Law, against which he never transgressed ; nor is any Man to be prosecuted by Methods invented only to facilitate his Condemnation, because he ought to be acquitted, however guilty he may be supposed, whom the established Rules of Justice cannot convict. The Law, my Lords, is the Measure of political, as Conscience is of Moral Right ; and he that breaks no Law may indeed be criminal, but is not punishable. The Law likewise prescribes the Method of prosecuting Guilt ; and as we, by omitting any Crime in our Laws, disable ourselves from punishing it, however publick or flagrant ; so by regulating the Process in our Courts of Justice we give Security to that Guilt, which by such Process cannot be detected.

' The Truth of this Assertion, my Lords, however paradoxical it may perhaps appear, will become evident, if we suppose a Man brought to the Bar, whose Guilt was unquestionable, tho' it could not be legally proved, because all those were dead who might have appeared against him. It is certain that his good Fortune would give him no Claim to Pardon ; and yet he could not be convicted, unless we suppose him weak enough to accuse himself. In this Case, my Lords, it is not impossible that some might be prompted by their Zeal to propose, that the foreign Methods of Justice might be introduced, and the Rack employed to extort from his own Mouth a Confession of those Crimes of which every one believed him guilty.

' With what Horror, my Lords, such a Proposal would be heard, how loudly it would be censured, and how universally rejected, I need not say ; but must observe, that, in my Opinion, the Detestation would arise principally from a Sense of the Injustice of exposing any Man to particular Hardships, and distinguishing him to his Disadvantage, from the rest of the Community.

' It will, my Lords, not be easy to prove that it is less agreeable to Justice to oblige a Man to accuse himself, than to make Use of extraordinary Methods of procuring Evidence

dence against him ; because the Barriers of Security which the Law has fixed are equally broken in either Case ; and the Accused is exposed to Dangers, from which he had Reason to believe himself shelter'd by the Constitution of his Country.

‘ This Argument, my Lords, I have mentioned without endeavouring to evince the Innocence of the Person whom this Bill immediately regards ; because the Intent of it is to shew, that no Man is to be deprived of the common Benefits of the Constitution, and that the Guilty have a Right to all the Advantages which the Law allows them. For Guilt is never to be supposed till it is proved, and therefore never to be proved by new Methods, merely because it is supposed.

‘ That the Method of procuring Evidence now proposed is new, my Lords, I think it no Rashness to conclude ; because the Noble Lords who have endeavoured to defend it, have produced no Evidence of a parallel Practice ; and their Knowledge and Acuteness is such, that they can only have failed to discover them, because they are indeed no where to be found.

‘ In the Case of Bribery, my Lords, the Person accused has the Privilege, if he be innocent, of prosecuting the Accuser for Perjury, and is therefore in less Danger of being harrassed by a false Indictment : But, my Lords, this is not the only Difference between the two Cases ; for he that discovers a Bribe receiv'd by himself, has no Motives of Interest to prompt his Evidence ; he is only secured from suffering by his own Discovery, and might have been equally safe by Silence or Secrecy ; since the Law supposes the Crime out of the Reach of Detection, otherwise than by the Confession of the Criminal.

‘ But far different, my Lords, are the Circumstances of those who are now invited to throng the Courts of Justice with Depositions and Discoveries. They are Men supposed criminal by the Indemnity which is offered them ; and by the Nature of their Crimes it is made at least probable, that they are in daily Hazard of Discovery and Punishment, from which they are summoned to set themselves free for ever, by accusing a Man of whom it has not been yet proved that he can legally be call'd to Trial.

‘ Thus, my Lords, in the Law which the noble Duke has mentioned as a Precedent for this Bill, the Accuser is only placed as a Kind of Equilibrium, equally secure from Punishment, by Silence or by Information, in hope that the Love of Truth and Justice will turn the Balance ; in the Bill now before us the Witness is in continual Danger by withholding

An. 15. Geo. II. withholding his Evidence, and is restored to perfect Safety by becoming an Accuser, and from making Discoveries, whether true or false, has every Thing to hope and nothing to fear.

1742.

‘ The Necessity of punishing Wickedness, has been urged with great Strength ; it has been unanswerably shewn, by the Advocates for this Bill, that vindictive Justice is of the highest Importance to the Happiness of the Publick, and that those who may be injured with Impunity, are in reality denied the Benefits of Society, and can be said to live in the State of uncivilized Nature.

‘ This, my Lords, has been urged with all the Appearance of Conviction and Sincerity, and yet has been urged by those who are providing a Shelter for the most enormous Villanies, and enabling Men who have violated every Precept of Law and Virtue, to bid Defiance to Justice, and to sit at Ease in the Enjoyment of their Acquisitions.

‘ And what, my Lords, is the Condition, upon which Wickedness is to be set free from Terror, upon which national Justice is to be disarmed, and the Betrayers of publick Counsels, or the Plunderers of publick Treasure, qualified for new Trusts, and set on a Level with untainted Fidelity ? A Condition, my Lords, which Wretches like these will very readily accept, the easy Terms of Information and of Perjury. They are required only to give Evidence against a Man marked out for Destruction, and the Guilt of partaking in his Crimes is to be effaced by the Merit of concurring in his Ruin.

‘ It has indeed been a Method of Detection, frequently employed against Housebreakers and Highwaymen, to proclaim a Pardon for him that shall convict his Accomplices ; but surely, my Lords, this Practice will not in the present Question be mention’d as a Precedent ? Surely it will not be thought equitable to level with Felons. and with Thieves, a Person distinguished by his Rank, his Employments, his Abilities, and his Services ; a Person whose Loyalty to his Sovereign has never been called in Question, and whose Fidelity to his Country has, at least, never been disproved ?

‘ These are Measures, my Lords, which I hope your Lordships will never concur to promote ; Measures not supported either by Law or Justice, or enforced by any Exigence of Affairs, but dictated by Malice and Revenge ; Measures by which the Guilty and the Innocent may be destroyed with equal Facility ; and which must therefore tend to encourage Wickedness as they destroy the Security of Virtue.’

The

The Earl of *Chesterfield* spoke to the Effect following :

An. 15. Geo. III.  
1742

‘ My Lords,

‘ I have so long honoured the Abilities, and so often concurred with the Opinion of the noble Lord who began the Debate, that I cannot without unusual Concern, rise up now to speak in Opposition to him ; nor could any other Principle support me under the apparent Disadvantage of a Contest so unequal, but the Consciousness of upright Intentions, and the Concurrence of the whole Nation.

‘ I cannot but consider myself on this Occasion, my Lords, as the Advocate of the People of *Great Britain*, who, after continued Oppressions, Losses, and Indignities, after having been plunder’d and ridicul’d, harrassed and insulted, for complaining, have at length flatter’d themselves that they should have an Opportunity of appealing to our Bar for Justice, and of securing themselves from future Injuries, by the Punishment of those that had so long triumph’d in their Guilt, proclaimed their Defiance of Justice, and declared that the Laws were made only for their own Security.

‘ The Expectations of the People have been frustrated by the unexpected Obstinacy of the Agents of Wickedness, by a Plea that was never made use of for the same Purpose before, against which the known Laws of the Nation have provided no Remedy, and which your Lordships are, therefore, now called upon to overthrow.

‘ That the Nation calls loudly for an Enquiry, that the Misapplication of the publick Treasure is universally suspected, and that the Person mentioned in the Bill is believed to be the chief Author of that Misapplication ; that at least those who have squandered it have acted by his Authority, and been admitted to Trust by his Recommendation, and that he is therefore accountable to the Publick for their Conduct, cannot be denied.

‘ The Nation, my Lords, has a Right to be gratified in their Demands of an Enquiry, whatever be the Foundation of their Suspicions ; since it is manifest that it can produce no other Effects than those of giving new Lustre to Innocence, and quieting the Clamours of the People, if it should be found that the Government has been administered with Honesty and Ability ; and it is no less evident that if the general Opinion is well grounded, if our Interest has been betrayed, and that Money employed only to corrupt the Nation which was raised for the Defence of it, the severest Punishment ought to be inflicted, that all future Ministers may be deterred from the same Crimes by exemplary Vengeance.

‘ Thus



An. 15. Geo. II.

1742



‘ Thus, my Lords, an Enquiry appears upon every Supposition useful and necessary, but I cannot comprehend how it can be prosecuted by any other Method, than that of proposing an Indemnity to those who shall make Discoveries.

‘ Every wicked Measure, my Lords, must involve in Guilt all who are engaged in it; and how easily it may be concealed from every other Person may be shewn by an Example of a Crime, which no Man will deny to have sometimes existed, and which in the Opinion of most is not very uncommon in this Age.

‘ It will be allowed, at least that on some Occasions, when a Favourite begins to totter, when strong Objections are raised against the Continuance of a Standing Army, when a Convention requires the Ratification of the Legislature, or some fatal Address is proposed to be presented to the Crown, a pecuniary Reward may sometimes be offered, and (tho’ that, indeed, be a Supposition more difficult to be admitted,) sometimes, however rarely, accepted.

‘ In this Case, my Lords, none but he that gives and he that receives the Bribe can be conscious of it; at most we can only suppose an intervening Agent to have any Knowledge of it, and if even he is admitted to the Secret so as to be able to make a legal Discovery, there must be some Defect of Cunning in the Principals. Let us consider from which of these any Discovery can be probably expected, or what Reason can be alledged, for which either should expose himself to Punishment for the Sake of ruining his Associate.

‘ It is therefore, my Lords, plain from this Instance, that without the Confession of some guilty Person, no Discovery can be made of those Crimes which are most detrimental to our Happiness, and most dangerous to our Liberties. It is apparent that no Man will discover his own Guilt, while there remains any Danger of suffering by his Confession; it is certain that such Crimes will be committed, if they are not discouraged by the Fear of Punishment; and it cannot therefore be denied that a Proclamation of Indemnity is necessary to their Discovery.

‘ This, my Lords, is not, as it has been alledged, a Method unknown to our Constitution, as every Man that reads the common Papers will easily discover. I doubt if there has been for many Years a single Month in which some Reward, as well as Indemnity, has not been promised to any Man, who, having been engaged in a Robbery, would discover his Confederates; and surely a Method that is daily practised for the Security of private Property, may be very rationally and justly adopted by the Legislature for the Preservation

servation of the Happiness and the Property of the Publick. *Ans. 15. Geo. II.*

' The Punishment of Wickedness, my Lords, is undoubtedly one of the essential Parts of good Government, and in reality the chief Purpose for which Society is instituted ; for how will that Society in which any Individual may be plundered, enslaved, and murdered without Redress and without Punishment, differ from the State of corrupt Nature, in which the Strongest must be Absolute, and Right and Power always the same.

1742.

' The Constitution, therefore, which has not provided for the Punishment, and previously for the Discovery of Guilt, is so far in a State of Imperfection, and requires to be strengthened by new Provisions. This, my Lords, is far from being our State ; for we have in our Hands a Method of detecting the most powerful Criminals, a Method in itself agreeable to Reason, recommended by the Practice of our Predecessors, and now approved once more by the Sanction of one of the Branches of the Legislature.

' The Objections which have on this Occasion been made against it, are such as no Law can escape, and which therefore can have no Weight ; and it is no small Confirmation of the Expediency of it, that they, by whom it has been opposed, have not been able to attack it with stronger Reasons ; from which, if we consider their Abilities, we shall be convinced, that nothing has secured it but the Power of Truth.

' It is enquired by the noble Lord, how we shall distinguish true from false Evidence ; to which it may be very readily answered, that we shall distinguish them by the same Means as on any other Occasion, by comparing the Allegations, and considering how every Witness agrees with others and with himself, how far his Assertions are in themselves probable, how they are confirmed or weakened by known Circumstances, and how far they are invalidated by the contrary Evidence.

' We shall, my Lords, if we add our Sanction to this Bill, discover when any Man's Accusation is prompted by his Interest, as we might know whether it was dictated by his Malice.

' It has been asked also, how any Man can ascertain his Claim to the Indemnity ? To which it may be easily replied, that by giving his Evidence he acquires a Right till that Evidence shall be proved to be false.

' The noble Lord who spoke some Time ago, and whose Abilities and Qualities are such that I cannot but esteem and admire him, even when Conviction obliges me to oppose him, has proposed a Case in which he seems to imagine

An. 15. Geo. II imagine that a Murderer might secure himself from Punishment, by connecting his Crime with some Transaction in which the Earl of *Orford* should be interested. This Case, my Lords, is sufficiently improbable, nor is it easy to mention any Method of Trial in which some Inconvenience may not be produced, in the indefinite Complications of Circumstances, and unforeseen Relations of Events. It is known to have happened once, and cannot be known not to have happened often, that a Person accused of Murder, was tried by a Jury of which the real Murderer was one. Will not this then be an Argument against the great Privilege of the Natives of this Kingdom, *A Trial by their Peers.*?

1742.

‘ But, my Lords, I am of Opinion that the Murderer would not be indemnified by this Bill, since he did not commit the Crime by the Direction of the Person whom he is supposed to accuse ; nor would it have any necessary Connection with his Conduct, but might be suppressed in the Accusation, without any Diminution of the Force of the Evidence. A Man will not be suffered to introduce his Accusation with an Account of all the Villainies of his whole Life, but will be required to confine his Testimony to the Affair upon which he is examined.

‘ The Committee, my Lords, will distinguish between the Crimes perpetrated by the Direction of the Earl of *Orford*, and those of another Kind. And should an enormous Criminal give such Evidence, as the noble Lord was pleased to suppose, he may be indemnify’d for the Bribery, but will be hanged for the Murder, notwithstanding any Thing in this Bill to the contrary.

‘ It has been insisted on by the noble Lords, who have spoke against the Bill, that no Crime is proved, and therefore there is no Foundation for it. But, my Lords, I have always thought that the Profusion of the Publick Money was a Crime, and there is evidently a very large Sum expended, of which no Account has been given ; and, what more nearly relates to the present Question, of which no Account has ever been demanded.

‘ On this Occasion, my Lords, an Assertion has been alledg’d, which no personal Regard shall ever prevail upon me to hear without disputing it, since I think it is of the most dangerous Tendency, and unsupported by Reason, or by Law. It is alledged, my Lords, that the Civil List is not to be considered as Publick Money, and that the Nation has therefore no Claim to enquire how it is distributed ; that it is given to support the Dignity of the Crown, and that only his Majesty can ask the Reason of any Failures in the Accounts of it.

‘ I have, on the Contrary, my Lords, hitherto understood, that all was publick Money which was given by the Publick. The present Condition of the Crown is very different from that of our antient Monarchs, who supported their Dignity by their own Estates. I admit, my Lords, that they might at Pleasure, contract or enlarge their Expences, mortgage or alienate the Lands, or bestow Pretients and Pensions without Controul.

‘ It is indeed expressed in the Act, that the Grants of the Civil List are without Account, by which I have hitherto understood only that the Sum total is exempt from Account ; not that the Ministers have a Right to employ the Civil List to such Purposes as they shall think most conducive to their private Views. For if it should be granted, not only that the Nation has a Right to know how the *whole* is expended, which is the utmost that can be allowed ; or to direct the Application of any Part of it, which is very disputable ; yet it certainly has a Claim to direct in what Manner it shall be applied, and to provide that Boroughs shall not be corrupted under Pretence of promoting the Dignity of the Crown.

‘ The Corruption of Boroughs, my Lords, is one of the greatest Crimes of which any Man under our Constitution is capable of ; it is to corrupt at once the Fountain and the Stream of Government ; to poison the whole Nation at once ; and to make the People wicked, that they may fill the House of Commons with wicked Representatives.

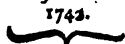
‘ Such, my Lords, are the Crimes, the Suspicion of which incited the Commons to a publick Enquiry ; in which they have been able to proceed so far, as to prove that the Publick Discontent was not without Cause, and that such Arts had been practised, as it is absolutely necessary, to the publick Security, to detect and punish.

‘ They therefore pursued their Examination, with a Degree of Ardour proportioned to the Importance of the Danger in which every Man is involved, by the Violation of the Fundamental Laws of the Constitution ; but they found themselves obstructed by the Subtily of some who confessed only that they were guilty, and determined to be faithful to their Accomplices and themselves.

‘ A farther Enquiry, my Lords, was by this unforeseen Evasion, made impossible ; the ultimate and principal Agent is shelter’d from the Law by his Guard of Mercenaries : Wretches who are contented to be infamous, if they can continue to be rich ; and value themselves on their Adherence to their Master, while they are conspiring to ruin their Country.

An. 15. Geo. II.

1742.



‘ The Nation, my Lords, in the mean time, justly applies for Redress to the Power of the Legislature, and to its Wisdom for Methods of procuring it by Law. The Commons have complied with their Importunities, and propose to your Lordships the Bill before you ; a Bill for making a public Enquiry possible, and for bringing a Minister within Reach of the Law.

‘ On this Occasion, my Lords, we are upbraided with our own Declarations, that the Person, mentioned in this Bill would quickly find Accusers, when he should be divested of his Authority. Behold him now, say his Advocates, reduced from his envied Eminence, and placed on a Level with his Fellow-Subjects ! Behold him no longer the Distributer of Employments, or the Disburser of the publick Treasure ! See him divested of all Security, but that of Innocence, and yet no Accusations are produced !

‘ This, my Lords, is a Topic so fruitful of Panegyrick, and so happily adapted to the Imagination of a Person long used to celebrate the Wisdom and Integrity of Ministers, that were not the present Question of too great Importance to admit of false Concessions, I should suffer it to remain without Controversy.

‘ But, my Lords, this is no Time for criminal Indulgence ; and, therefore, I shall annihilate this short-lived Triumph, by observing, that to be out of Place, is not necessarily to be out of Power ; a Minister may retain his Influence, who has resigned his Employments ; he may still retain the Favour of his Prince, and possess him with a false Opinion, that he cannot secure his Authority but by protecting him ; or, what there is equal Reason to suspect, his Successors may be afraid of concurring in a Law which may hereafter be revived against themselves.

‘ It may be urged farther, my Lords, that he cannot with great Propriety be said to have no Power, who sees the Legislature crowded with Men that are indebted to his Favour for their Rank and their Fortunes.

‘ Such a Man may bid Defiance to Enquiry, with Confidence produced by a Security very different from that of Innocence ; he may depend upon the Secrecy of those whom he has perhaps chosen for no other Virtue ; he may know that common Danger will unite them to him, and that they cannot abandon him without exposing themselves to the same Censures.

‘ These Securities, my Lords, the Fortifications of the last Retreat of Wickedness, remain now to be broken, and the Nation expects its Fate from our Determinations ; which will either secure the Liberties of our Posterity from Violation

tion, by shewing that no Degree of Power can shelter those who shall invade them, or that our Constitution is arrived at its Period, and that all Struggles for its Continuance will be vain.

An. 15. Geo. II.  
1742.

' Let us not, my Lords, combine with the publick Enemies; let us not give the Nation Reason to believe, that this House is infected with the Contagion of Venality; that our Honour is become an empty Name; and that the Examples of our Ancestors have no other Effect upon us than to raise the Price of Perfidy, and enable us to sell our Country at a higher Rate.

' Let us remember, my Lords, that Power is supported by Opinion; and that the Reverence of the Publick cannot be preserved, but by Justice.

' For this Reason, I am far from granting, that we ought to be cautious of charging those with Crimes, who have the Honour of a Seat amongst us. In my Opinion, my Lords, we ought to be watchful against the least Suspicion of Wick- edness in our own Body; we ought to eject Pollution from our Walls, and preserve that Power, for which some appear so anxious, by keeping our Reputation pure and untainted.

' It is therefore, to little Purpose, objected, that there is no *Corpus Delicti*; for even, though it were true, yet while there is a *Corpus Suspicionis*, an Enquiry ought to be made for our own Honour, nor can either Law or Reason be pleaded against it.

' I cannot therefore doubt, that your Lordships will endeavour to do Justice; that you will facilitate the Production of oral Evidence, lest all written Proofs should be destroy'd; that you will not despise the united Petition of the whole People, of which I dread the Consequence; nor reject the only Expedient by which their Fears may be dissipated, and their Happiness secured.'

\* The Lord Hardwick spoke next in the following Manner:

My Lords,

Lord Hardwick.

' After having, with an Attention uninterrupted by any foreign Considerations, and a Mind intent only on the Discovery of Truth, examined every Argument which has been urged on either Side; I think it my Duty to declare, that I have yet discovered no Reason which, in my Opinion, ought to prevail upon us to ratify the Bill that is now before us.

' The noble Lords who have defended it, appear to reason more upon Maxims of Policy than Rules of Law, or Principles of Justice; and seem to imagine, that if they can

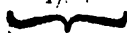
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prove

• Lord High Chancellor of Great-Britain.

An. 15. Dec. 11.

1700.



prove it to be expedient, it is not necessary to shew that it is equitable.

‘ How far, my Lords, they have succeeded in that Argument which they have most labour’d, I think it not necessary to examine ; because I have hitherto accounted it an incontestable Maxim, that whenever Interest and Virtue are in Competition, Virtue is always to be preferr’d.

‘ The noble Lord, who spoke first in this Debate, has proved the Unreasonableness and Illegality of the Methods proposed in this Bill, beyond the Possibility of Confutation : He has shewn that they are inconsistent with the Law, and that the Law is founded upon Reason : He has proved, that the Bill supposes a Criminal previous to the Crime, summons the Man to a Trial, and then enquires for what Offence.

‘ Nor has he, my Lords, confined himself to a Detection of the original Defect, the Uncertainty of any Crime committed, but has proceeded to prove, that upon whatever Supposition we proceed, the Bill is unequitable, and of no other Tendency than to multiply Grievances, and establish a Precedent of Oppression.

‘ For this Purpose he has shewn, that no Evidence can be procured by this Bill ; because all those who shall, upon the Encouragement proposed in it, offer Information, must be consider’d as hired Witnesses, to whom no Credit can be given, and who therefore ought not to be heard.

‘ His Lordship also proved, that we cannot pass this Bill without diminishing our Right, bestowing new Powers upon the Commons, confirming some of their Claims which are most dubious, nor, by Consequence, without violating the Constitution.

‘ To all these Arguments, Arguments drawn from the most important Considerations, enforced by the strongest Reasoning, and explain’d with the utmost Perspicuity, what has been reply’d ? How have any of his Assertions been invalidated, or any of his Reasons eluded ? How has it been shewn that there is any Foundation for a criminal Charge, that Witnesses thus procured ought to be heard, or that our Rights would not be made disputable by confirming the Proceedings of the Commons ?

‘ It has been answered by a noble Lord, that tho’ there is not *Corpus Delicti*, there is *Corpus Suspicionis*. What may be the Force of this Argument I cannot say, because I am not ashamed to own, that I do not understand the Meaning of the Words. I very well understand what is meant by *Corpus Delicti*, and so does every other Lord ; it is universally known to mean the *Body of an Offence* ; but as to the Words *Corpus Suspicionis*, I do not comprehend what they mean : It is an

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Expression indeed which I never before heard, and can signify, in my Apprehension, nothing more than the *Body of a Shadow*, the Substance of something which is itself Nothing. An. 15. Geo. II. 1742.

‘Such, my Lords, is the Principle of this Bill, by the Confession of its warmest and ablest Advocates; it is a Bill for summoning a Person to a Trial, against whom no Crime is alledged, and against whom no Witness will appear without a Bribe.

‘For that those who should appear in consequence of this Bill to offer their Evidence, ought to be considered as brib’d, will surely need no Proof to those who consider, that Bribes are not confined to Money; and that every Man who promotes his own Interest by his Deposition, is swearing, not for Truth and Justice, but for himself.

‘It may be urged, and it is, in my Opinion, all that the most fruitful Imagination can suggest in Favour of this Bill, that they are not required to accuse the Earl of *Orford*, but to give in their Evidence concerning his Conduct, whether in his Favour, or against him.

‘But this Argument, my Lords, however specious it may seem, will vanish of itself, if the Bill be diligently considered; which is only to confer Indemnity on those who in the Course of their Evidence shall discover any of their own Crimes; on those whose Testimony shall tend to fix some Charge of Wickedness on the Earl of *Orford*; for it cannot easily be imagined how those, who appear in his Favour, should be under a Necessity of revealing any Actions. *That require an Indemnity*

‘Thus, my Lords, it appears that the Bill can produce no other Effect than that of multiplying Accusations; since it offers Rewards only to those who are suppos’d to have engaged in unjustifiable Practices; and to procure Witnesses by this Method, is equally unjust as to propose a publick Prize to be obtained by swearing against any of your Lordships.

‘If Witnesses are to be purchased, we ought at least to offer an equal Price on each Side; that tho’ they may be induced by the Reward to offer their Depositions, they may not be tempted to accuse rather than justify.

‘Should any private Man, my Lords, offer a Reward to any that would give Evidence against another, without specifying the Crime of which he is accused, doubtless he would be considered by the Laws of this Nation, as a Violator of the Rights of Society, an open Slanderer, and a Disturber of Mankind; and would immediately, by an Indictment or Information, be obliged to make Satisfaction to the Community which he had offended, or to the Person whom he had injured.



An. 15. Geo. II.

1742.

‘ It has, my Lords, I own, been asserted by the noble Duke, that the Publick has a Right to every Man’s Evidence ; a Maxim which in its proper Sense cannot be denied : For it is undoubtedly true, that the Publick has a Right to all the Assistance of every Individual ; but it is, my Lords, upon such Terms as have been established for the general Advantage of all ; on such Terms as the Majority of each Society has prescribed. But, my Lords, the Majority of a Society, which is the true Definition of the *Publick*, are equally obliged with the smaller Number, or with Individuals, to the Observation of Justice, and cannot therefore prescribe to different Individuals different Conditions. They cannot decree that Treatment to be just with regard to one, which they allow to be cruel with respect to another. The Claims of the Publick are founded, first upon Right, which is invariable, and next upon the Law ; which tho’ mutable in its own Nature, is however to be so far fixed, as that every Man may know his own Condition, his own Property, and his own Privileges, or it ceases in Effect to be Law ; it ceases to be the Rule of Government, or the Measure of Conduct.

‘ In the present Case, my Lords, the Publick has not a Right to hire Evidence ; because the Publick has hitherto subsisted upon this Condition, among others, that no Man shall swear in his own Cause. The Publick has not a Right to require from any Man that he should betray himself, because every Man may plead that he is exempted from that Demand by the publick Faith.

‘ Thus, my Lords, the Right of the Publick is only that Right which the Publick has established by Law, and confirmed by continual Claims ; nor is the Claim of the Publick from Individuals to be extended beyond its known Bounds, except in Times of general Distress, where a few must necessarily suffer for the Preservation of the rest.

‘ This Necessity is indeed now urged, but surely it ought to be shewn, that the present Circumstances of Affairs differ from those of any former Age, before it can with any Propriety be asserted, that Measures are now necessary, which no other Distresses however urgent, or Provocations however flagrant, have hitherto produced. It ought to be proved, that Wickedness had discovered some new Shelter from Justice, before new Engines are invented to force it from its Retreat, and new Powers applied to drag it out to Punishment.

‘ The Nation has subsisted, my Lords, so many Centuries ; has often recovered from the lingering Disease of inward Corruption, and repelled the Shocks of outward Violence ; it has often been endangered by corrupt Counsels and wicked

wicked Machinations, and surmounted them by the Force of its establish'd Laws, without the Assistance of temporary Expedients ; at least without Expedients like this, which neither Law nor Justice can support, and which would in itself be a more real Grievance than those, if they were real, which it is intended to punish ; and might produce far greater Evils than those which are imputed to him, against whom it is projected.

An. 15. Geo. II.

1742

' It has indeed, my Lords, been mentioned by a noble Lord, in much softer Language, as a Method only of making an Enquiry possible. The Possibility of an Enquiry, my Lords, is a very remote and inoffensive Idea ; but Names will not change the Nature of the Things to which they are applied. The Bill is, in my Opinion, calculated to make a Defence impossible, to deprive Innocence of its Guard, and to let loose Oppression and Perjury upon the World. It is a Bill to dazzle the Wicked with a Prospect of Security, and to incite them to purchase an Indemnity for one Crime by the Perpetration of another. It is a Bill to confound the Notions of Right and Wrong, to violate the Essence of our Constitution, and to leave us without any certain Security for our Properties or Rule for our Actions.

' Nor are the particular Parts less defective than the general Foundation ; for it is full of ambiguous Promises, vague Ideas, and indeterminate Expressions, of which some have been already particularised by the noble Lords that have spoke on this Occasion, whose Observations I shall not repeat nor endeavour to improve ; but cannot forbear proposing to the Advocates for the Bill one Sentence, that it may be explained by them, and that at least we may not pass what we do not understand.

' In the Enquiry into the Conduct of the Earl of Orford, every Man, as we have already seen, is invited to bring his Evidence, and to procure an Indemnity, by answering such Questions as shall be asked, touching or concerning the said Enquiry, or relative thereto. What is to be understood by this last Sentence I would willingly be informed, I would hear how far the Relation to the Enquiry is design'd to be extended, with what other Enquiries it is to be complicated, and where the Chain of Interrogatories is to have an End.

' When an Evidence appears before the Committee, how can he be certain that the Questions asked are Relative to the Enquiry ? How can he be certain that they are such as he may procure an Indemnity by resolving ? Or whether they are not unconnected with the principal Question, and therefore insidious and dangerous ? And to what Power must he appeal, if he should be prosecuted afterwards upon his  
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An. 15. Geo. II. own Confession, on Pretence that it was not relative to the Enquiry ?

1742.

‘ Expressions like these, my Lords, if they are not the Effects of Hurry or Malice, must be intended to vest the Committee with absolute Authority, with the Award of Life and Death, by leaving to them the Liberty to explain the Statute at their own Pleasure, to contract or enlarge the Relation to the Controversy, to enquire without Bounds, and judge without Controul.

‘ Thus, my Lords, I have laid before you my Opinion of this Bill without any partial Regard ; without exaggerating the ill Consequences that may be feared from it, or endeavouring to elude any Reasoning by which it has been defended. I have endeavoured to pursue the Arguments of the noble Lord who spoke first ; and to shew that it is founded upon false Notions of criminal Justice, that it proposes irrational and illegal Methods of Trial, that it will produce Consequences fatal to our Constitution, and establish a Precedent of Oppression.

‘ I have endeavoured, in examining the Arguments by which the Bill has been defended, to shew that the Rights of the Publick are ascertained, and that the Power of the Majority is to be limited by moral Considerations ; and to prove, in discussing its particular Parts, that it is inaccurate, indeterminate, and unintelligible.

‘ What Effects my Enquiry may have had upon your Lordships, your selves only can tell ; for my Part, the Necessity of dwelling so long upon the Question has added new Strength to my Conviction ; and so clearly do I now see the Danger and Injustice of a Law like this, that tho’ I do not imagine myself endued with any peculiar Degree of Heroism, I believe, that if I were condemned to a Choice so disagreeable, I should more willingly suffer by such a Bill pass’d in my own Case, than consent to pass it in that of another.’

To this the Duke of *Argyle* reply’d :

D. of *Argyle*.

*My Lords,*

‘ I am not yet able to discover that the Bill now before us is either illegal or absurd, that its Interpretation is doubtful, or its probable Consequences dangerous.

‘ The indisputable Maxim, that the Publick has a Right to every Man’s Evidence, has been explain’d away with much Labour, and with more Art, than a good Cause can often require. We have been told of publick Contracts, of the Rights of Society with Regard to Individuals, and the Privileges of Individuals with respect to Society ; we have had one Term opposed to another only to amuse our Attention ;

tion ; and Law, Reason, and Sophistry have been mingled till Common Sense was lost in the Confusion. An. 15. Geo. II.  
1742.

‘ But, my Lords, it is easy to disentangle all this Perplexity of Ideas, and to set Truth free from the Shackles of Sophistry, by observing that it is, in all civilized Nations of the World, one of the first Principles of the Constitution, that the Publick has a Right, always reserved, of having Recourse to extraordinary Methods of proceeding, when the Happiness of the Community appears not sufficiently secured by the known Laws.

‘ Laws may, by those who have made the Study and Explanation of them the Employment of their Lives, be esteem’d as the great Standard of Right, they may be habitually revered, and considered as sacred in their own Nature, without Regard to the End which they are designed to produce.

‘ But others, my Lords, whose Minds operate without any Impediment from Education, will easily discover, that Laws are to be regarded only for their Use ; that the Power which made them only for the Publick Advantage, ought to alter or annul them, when they are no longer serviceable, or when they obstruct those Effects which they were intended to promote.

‘ I will therefore, my Lords, still assert, That the Publick has a Right to every Man’s Evidence ; and that to reject any Bill which can have no other Consequence than that of enabling the Nation to assert its Claim, to reconcile one Principle of Law with another, and to deprive Villany of an Evation which may always be used, is to deny Justice to an oppressed People, and to concur in the Ruin of our Country.

‘ And farther, my Lords, I confidently affirm it has not been proved, that this Bill can endanger any but the Guilty ; nor has it been shewn that it is drawn up for any other Purpose than that which the noble Lord mentioned, of hindering an Enquiry from being impossible ; it may therefore justly be required from those who affect, on this Occasion, so much Tendernefs for Liberty, so many Suspicions of remote Designs, and so much Zeal for our Constitution, to demonstrate, that either an Enquiry maybe carried on by other Means, or that an Enquiry is in itself superfluous or improper.

‘ Tho’ none of those who have spoken against the Bill have been willing to expose themselves to universal Indignation, by declaring that they would gladly obstruct the Progress of the Enquiry, that they designed to throw a Mist over the publick Affairs, and to conceal from the People the

**An. 15. Geo. II.** the Causes of their Misery ; and tho' I have no Right to charge those who differ from me in Opinion with Intentions, which, as they do not avow them, cannot be proved ; this however I will not fear to affirm, that those who are for rejecting this Method of Enquiry, would consult their Honour by proposing some other equally efficacious ; lest it should be thought by such as have not any Opportunities of knowing their Superiority to Temptations, that they are influenced by some Motives which they are not willing to own, and that they are, in secret, Enemies to the Enquiry, tho', in publick, they only condemn the Method of pursuing it.

1742

**D. of Newcastle.** The Duke of Newcastle \* spoke next.  
*My Lords,*

' The Arguments which have been produced in Defence of the Bill before us, however those who offer them may be influenced by them, have made, hitherto, very little Impression upon me. My Opinion of the Impropriety and Illegality of this new Method of Prosecution still continues the same ; nor can it be expected that I should alter it, till those Reasons have been answer'd which have been offer'd by the noble Lord who spoke first in the Debate.

' The Advocates for the Bill seem indeed conscious of the Insufficiency of their Arguments, and have therefore added Motives of another Kind ; these have informed us, that our Power subsists upon our Reputation, and that our Reputation can only be preserved by concurring in the Measures recommended by the Commons ; they have insinuated to us, that he who obstructs this Bill, will be thought desirous to obstruct the Enquiry, to conspire the Ruin of his Country, and to act in Confederacy with publick Robbers.

' But, my Lords, whether the Nation is really exasperated to such a Degree as is represented, whether it is the general Opinion of Mankind that the publick Affairs have been unfaithfully administered, and whether this Bill has been dictated by a Desire of publick Justice, or of private Revenge, I have not thought it necessary to enquire ; having long learned to act in Consequence of my own Conviction, not of the Opinions of others, at least not of those who determine upon Questions which they cannot understand, and judge without having ever obtain'd an Opportunity of examining.

' Such, my Lords, must be the Opinions of the People upon Questions of Policy, Opinions not formed by Reflection but

\* One of the Principal Secretaries of State.

but adopted from those whom they, sometimes with very little Reason, imagine nearer Spectators of the Government than themselves, and in whom they place an implicit Confidence, on account of some casual Act of Popularity.

An. 15. Geo. II.

1742.

‘ I shall not, therefore, think the Demands of the People a Rule of Conduct, nor shall ever fear to incur their Resentment in the Prosecution of their Interest. I shall never flatter their Passions to obtain their Favour, or gratify their Revenge for fear of their Contempt. The Inconstancy, my Lords, of publick Applause, all of us have observed, and many of us have experienced ; and we know that it is very far from being always the Reward of Merit. We know that the brightest Character may be easily darken’d by Calumny, that those who are labouring for the Welfare of the Publick, may be easily represented as Traytors and Oppressors, and that the People may quickly be persuaded to join in the Accusation.

‘ That the People, however deceived, have a Right to accuse whomsoever they suspect, and that their Accusation ought to be heard, I do not deny ; but surely, my Lords, the Opinion of the People is not such a Proof of Guilt as will justify a Method of Prosecution never known before, or give us a Right to throw down the Barriers of Liberty, and punish by Power those whom we cannot convict by Law.

‘ Let any of your Lordships suppose himself by some Accident exposed to the temporary Malice of the Populace ; let him imagine his Enemies inflaming them to a Demand of a Prosecution, and then proposing that he should be deprived of the common Methods of Defence, and that Evidence should be hired against him lest the Publick should be disappointed, and he will quickly discover the Unreasonableness of this Bill.

‘ I suppose no Man will deny, that Methods of Prosecution introduced on one Occasion may be practised on another ; and that in the natural Rotations of Power, the same Means may be used for very different Ends. Nothing is more probable, my Lords, if a Bill of this Kind should be ever passed, in Compliance with the Clamours of the People, to punish Ministers, and to awe the Court, than that it may in Time, if a wicked Minister should arise, be made a Precedent for Measures by which the Court may intimidate the Champions of the People ; by which those may be pursued to Destruction, who have been guilty of no other Crime than that of serving their Country in a Manner which those, who are ignorant of the Circumstances of Affairs, happen to disapprove.

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An. 15. Geo. II  
1742.

‘ The Measures now proposed, my Lords, are therefore to be rejected, because it is evident that they will establish a Precedent, by which Virtue may at any Time be oppressed, but which can be very seldom necessary for the Detection of Wickedness, since there is no Probability that it will often happen, that a Man really guilty of enormous Crimes can secure himself from Discovery, or connect others with him in such a Manner, that they cannot impeach him without betraying themselves.

‘ But, my Lords, whenever Virtue is to be persecuted, whenever false Accusations are to be promoted, this Method is incontestably useful ; for no Reward can so efficaciously prevail upon Men who languish in daily Fear of publick Justice, as a Grant of Impunity.

‘ It may be urged, my Lords, I own, that all Enquiries into Futurity are idle Speculations, that the Expedient proposed is proper on the present Occasion, and that no Methods of Justice are to be allowed, if the Possibility of applying them to bad Purposes, is a sufficient Reason for rejecting them.

‘ But to this, my Lords, it may be answered with equal Reason, that every Process of Law is likewise in some Degree defective, that the Complications of Circumstances are variable without End, and therefore cannot be comprised in any certain Rule, and that we must have no established Method of Justice, if we cannot be content with such as may possibly be sometimes eluded.

‘ And, my Lords, it may be observed farther, that scarcely any Practice can be conceived, however generally unreasonable and unjust, which may not be sometimes equitable and proper ; and that if we are to lay aside all Regard to Futurity, and act merely with Regard to the present Existence, it may be often proper to violate every Part of our Constitution. This House may sometimes have rejected Bills beneficial to the Nation ; and if this Reasoning be allowed, it might have been wise and just in the Commons to have voted us unless on that Occasion, and to have passed the Law without our Concurrence.

‘ With regard to the Establishment of Criminal Prosecutions, as well as to our Civil Rights, we are, my Lords, to consider what is upon the whole most for the Advantage of the Publick ; we are not to admit Practices which may be sometimes useful, but may be often pernicious, and which suppose Men better or wiser than they are. We do not grant absolute Power to a wise and moderate Prince, because his Successors may inherit his Power without his Virtues ; we are not to trust or allow new Methods of Prosecution upon

an Occasion on which they may seem useful, because they may be employed to Purposes very different from those for which they were introduced.

An. 15. Geo. II.  
1742.

Thus, my Lords, I have shewn the Impropriety of the Bill now before us, upon the most favourable Supposition that can possibly be made; a Supposition of the Guilt of the noble Person again't whom it is contrived. And surely, my Lords, what cannot even in that Case be approved, must if we suppose him innocent, be detested.

That he is really innocent, my Lords, that he is only blackened by Calumny, and pursued by Resentment, cannot be more strongly proved than by the Necessity to which his Enemies are reduced of using Expedients, never heard of in this Nation before, to procure Accusations against him; Expedients which they cannot shew to have been at any Time necessary for the Punishment of a Man really wicked; and which, by bringing Guilt and Innocence into the same Danger, leave us at liberty to imagine, that he is clear from the Crimes imputed to him even in the Opinion of those who pursue him with the fiercest Resentment, and the loudest Clamours.

It may well be imagined, my Lords, that those whom he has so long defeated by his Abilities, see themselves now baffled by his Innocence; and that they only now persecute his Character to hide the true Reason for which they formerly attacked his Power.

I hope, my Lords, I shall be easily forgiven for observing that this is a Testimony of uncorrupted Greatness, more illustrious than any former Minister has ever obtained; for when was it known, my Lords, that after a Continuance of Power for twenty Years, any Man, when his Conduct became the Subject of publick Examination, was without Accusers?

I cannot, for my Part, but congratulate the noble Person upon his Triumph over Malice; Malice assisted by Subtily and Experience, by Wealth and Power, which is at length obliged to confess its Impotence; to call upon us to assist it with new Laws, to enable it to offer a Reward for Evidence against him; and to throw down the Boundaries of natural Justice, that he may be harrassed, censured and oppressed, upon whom it cannot be proved that he ever deviated from the Law, or employed his Power for any other End than the Promotion of the Publick Happiness.

Had the Officers of the Crown, my Lords, when his Influence was represented so great, and his Dominion so absolute, projected any such Measures for his Defence; had they proposed to silence his Opponents by calling them to a

Trial



An. 15. Geo. II.

1742.

Trial, and offered a stated Price for Accusations against them, how loudly would they have been charged with the most flagrant Violation of the Laws, and the most open Disregard of the Rights of Nature ; with how much Vehemence would it have been urged that they were intoxicated with their Success, and that in the full Security of Power, they thought themselves intitled to neglect the great Distinctions of Right and Wrong ; and determined to employ the Law for the Completion of those Purposes, in which Justice would give them no Assistance.

‘ I doubt not but your Lordships will easily perceive that this Censure is equally just in either Case ; that you will not allow any Man to be prosecuted by Methods which he ought not to have used in his own Case ; that you will not expose any Man to Hardships from which every other Member of the Community is exempt ; that you will not suffer any Man to be tried but by Evidence ; and that you will not condemn him whom the Law acquits.’

The Lord *Bathurst* spoke in Substance as follows :

‘ Lord *Bathurst*.

*My Lords,*

‘ The Question under our Consideration has been so long and so accurately debated, that little can be added to the Arguments on either Side ; and therefore, though I think it necessary on so important an Occasion to make a solemn Declaration of my Opinion, I shall endeavour to support it not so much by any Arguments of my own, as by a Recapitulation and Comparison of those which have been already heard by your Lordships.

‘ It has not been denied, that the Punishment of Crimes is absolutely necessary to the publick Security ; and as it is evident that Crimes cannot be punished unless they are detected, it must be allowed that the Discovery of wicked Measures ought to be in a very great Degree the Care of those who are entrusted with the Government of the Nation ; nor can they better discharge their Trust, than by defeating the Artifices of Intrigue, and blocking up the Retreats of Guilt.

‘ This likewise, my Lords, is admitted with such Restrictions as seem intended to preclude any Advantage that might be drawn from the Appearance of Concession. For it is urged that Guilt is not to be detected by any Methods which are not just, and that no Methods are just which are not usual.

‘ The first Position, my Lords, I have no Intention to controvert ; as it is not to violate Justice, but to preserve it from Violation, that this Bill has been projected or defended. But, my Lords, it is to be observed that they who so warmly recommend the strictest Adherence to Justice, seem not fully  
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to understand the Duty which they urge. To do Justice An. 15. Geo. II.  
1742  
my Lords, is to act with Impartiality ; to banish from the Mind all Regard to personal Motives ; and to consider every Question in its whole Extent, without suffering the Attention to be restrained to particular Circumstances, or the Judgment to be obstructed by partial Affection.

' This Rule, my Lords, seems not to have been very carefully observed by the most vehement Advocates for Justice in the Case before us ; for they appear not to be solicitous that any should receive Justice but the Person mentioned in the Bill ; they do not remember, that the Publick has cried out for Justice more than twenty Years, for Justice which has not yet been obtained, and which can be obtained only by the Method now proposed.

' It is necessary, my Lords, for those who are so watchful against the Breach of Justice, to prove that any Means can be unjust which have no other Tendency than the Detection of Wickedness, of Wickedness too artful or too powerful to be punished by the common Rules of Law.

' The Introduction of new Methods of Prosecution, is the natural Consequence of new Schemes of Villany or new Arts of Evasion ; nor is it necessary that Precedents shall be produced, when the Wisdom of the Legislature concurs in acknowledging the Necessity of extraordinary Measures. Tho' our Constitution is in the highest Degree excellent, I never yet heard that it was perfect, and whatever is not perfect may be improved. Our Laws, however wise, are yet the Contrivances of human Policy ; and why should we despair of adding somewhat to that which we inherit from our Ancestors ? Why should we imagine that they anticipated every Contingency, and left nothing for succeeding Ages ?

' I think, my Lords, with the highest Regard both of our Laws and those by whom they were enacted, but I look with no less Veneration on this illustrious House ; I believe your Lordships equal to your Progenitors in Abilities ; and therefore since you cannot but outgo them in Experience, I am confident that you may make Improvement in the Fabric which they have erected.

' It cannot at least be denied that your Lordships have all the Power of your Ancestors ; and since every Law was once new, it is certain they were far from imagining that there was always a Necessity of enquiring after Precedents. If the Argument drawn from the Want of Precedents be now of any Force, let it be proved that its Force was less in any former Reign ; and let it be considered how our Government could have attained its present Excellence, had this House, instead of applying to every Grievance its proper Remedy,

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An. 15. Geo. II.  
1742.



been amused with turning over Journals, and looking upon every new Emergency for Precedents, of which it is certain that there must have been a Time in which they were not to be found.

‘ In all Regulations established by the Legislature, it is sufficient that they do not produce Confusion by being inconsistent with former Laws ; that they unite easily with our Constitution ; and do not tend to the Embarrassment of the Government. This Consideration, my Lords, has been in a very remarkable Manner regarded by those who drew up the Bill before us : A Bill which the noble Lord has proved, will be so far from perplexing our judicial Proceedings, that it will reconcile the Law to itself, and free us from the Necessity of obeying one Precept by the Neglect of another.

‘ The Arguments of the noble Duke are such as, in my Opinion, cannot be answered, or heard impartially without Conviction. The Maxims quoted by him are each of them incontestably true ; they are on this Occasion incompatible ; and this is the only Method by which they can be reconciled.

‘ Nor has he only shewn the Propriety of the Bill by irrefragable Reasons, but has proved likewise that it is consistent, not only with the Constitution of our Government, but with the Practice of our Ancestors ; He has shewn that it may be supported not only by Reason, but by Bills of the same Kind, enacted on Occasions of far less Importance.

‘ He has proved, my Lords, all that the most scrupulous Enquirer can wish ; he has made it evident that the Bill would be proper, tho’ it were unprecedented ; he has produced many Precedents in Support of it ; and has thereby evinced that the only present Question is, Whether it is just ? To the Precedents alledged by him it has been objected, that they differ in some Particulars. But when, my Lords, did any two Actions, however common, agree in every Circumstance ? Relations may be complicated without End, and every new Complication produces new Appearances ; which, however, are always to be disregarded while the constituent Principles remain unvaried.

‘ If we consider the Difficulties in which the Opponents of the Bill have involv’d themselves, it will not be easy to think well of a Cause, which gives Birth to such wild Assertions, and extravagant Opinions. They have first, by requiring Precedents, determined that our Constitution must be henceforth for ever at a Stand ; and then by declaring that no Precedents are of any Weight, in which every Circumstance is not parallel to the Case in Debate, have debarred us from the Repetition of any occasional Law ; they have declared, almost in plain Terms, themselves useless, and

and destroyed that Authority at once, which they seem so much afraid of communicating to the Commons.

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1742.

‘ But by none of their Arts of subtle Distinction, my Lords, have they been able to evade the Argument which arises from the Conformity of this Bill to the common Practice of our Courts; an Argument which has produced no other Answer than loud Declamations against the Indecency of comparing, with Pickpockets and Highwaymen, a noble Person, a Minister of acknowledg’d Merit, long grac’d with the Favour of his Prince, and long invested with the highest Trust.

‘ I, my Lords, am very far from pleasing myself with licentious or indecent Language: I am far from envying any Man that Exaltation which he obtains, either by good or by bad Actions; and have no Inclination of levelling the Person, whose Conduct I desire to see examined, with the Profligate or Infamous. Yet I cannot forbear to observe, that high Rank is an Aggravation of Villany; that to have enjoyed the Favour of his Sovereign, is no Defence of him that has abused it; and that high Trust is an Honour only to that Man, who, when he lays down his Office, dares stand an Inquiry.

‘ Had there been no Precedent in our judicial Proceedings, my Lords, which bore any Resemblance to this Bill, there would not from thence have arisen any just Objection. Common Proceedings are established for common Occasions; and it seems to have been the Principle of our Ancestors, that it is better to give ten guilty Persons an Opportunity of escaping Justice, than to punish one innocent Person by an unjust Sentence. A Principle which, perhaps, might not be erroneous in common Cases, in which only one Individual was injured by another; or when the Trial was, by the Law, committed to a common Jury, who might easily be misled.

‘ They might likewise imagine, my Lords, that a Criminal, encouraged by a fortunate Escape to a Repetition of his Guilt, would undoubtedly some Time fall into the Hands of the Law, tho’ not extended on Purpose to seize him; and therefore they constituted their Proceedings in such a Manner, that Innocence might at least not be entrap’d, tho’ Guilt should sometimes gain a Reprieve.

‘ But in the present Case, my Lords, every Circumstance requires a different Conduct. By the Crimes which this Bill is intended to detect, not single Persons; or private Families, but whole Nations, and all Orders of Men have long been injured and oppressed; and oppressed with such Success, that the Criminal has no Temptation to renew his Practices; nor is there any Danger of an erroneous Sentence, because

An 15. Geo. II. the Trial would be heard by this House ; by Persons whose Integrity sets them above Corruption, and whose Wisdom will not be deceived by false Appearances.

1742.

‘ This Consideration, my Lords, affords an unanswerable Reply to those who represent the Bill as ill concerted ; because the Evidence to be procured by it, is the Testimony of Men, Partners, by their own Confession, in the Crimes which they reveal.

‘ Every Court, my Lords, examines the Credibility of a Witness ; and the known Corruption of these Men may be properly pleaded at the Trial, where your Lordships will balance every Circumstance with your known Impartiality ; examine how far every Assertion is invalidated by the Character of the Witness, and how far it is confirmed by a corroboratory Concurrence of known Events, or supported by other Testimonies not liable to the same Exception.

‘ Thus, my Lords, it may be observed how quickly the Clouds are dispersed, with which Interest or Perverseness have endeavoured to obscure the Truth ; and how easily the strongest Objections, which the greatest Abilities could raise against this Bill, are confuted, or how apparently, when they are closely examined, they confute themselves.

‘ One of the Objections that require no Answer is, that which has been rais’d with regard to the Extent of the Indemnity offered in the Bill, which, in the Opinion of those that opposed it, ought to be restrained to particular Persons. But that it is chiefly, if not solely, intended to be applied to those who have refused to answer the Questions of the Committee, I believe every Lord in this House is fully convinced ; it was however necessary to draw it up in general Terms, lest other Artifices might have been employed ; and lest, by pointing out particular Persons, Opportunity might have been given to deprive the Publick of their Evidence, by prevailing upon them to withdraw.

‘ The Bill was justly stiled by a Noble Lord, a Bill *To prevent an Inquiry from being impossible*. The Difficulty of Inquiries for the Publick is well known ; and the Difficulty arises chiefly from the Inability of the People to reward their Advocates or their Evidence. The State of the Court, my Lords, is very different. The Crown cannot only pardon, but advance those that have on any Occasion promoted its Interest ; and I hope it will not be too much Power to be for once granted to the People, if they are impowered to throw a simple Indemnification into the Balance ; and try whether, with the slight Addition of Truth, and Reason, and Justice, it will be able to weigh down Titles, and Wealth, and Power.

‘ It

' It has been urged that there is Danger, lest this Bill should become a Precedent. I hope, my Lords, the same Occasion will not often happen ; and whenever it shall hereafter occur, the Precedent of passing the Bill will be much less dangerous than that of rejecting it.

An. 15. Geo. II.  
1742.

' I hope it is not necessary to say more on this Occasion ; yet I cannot forbear to remind some Lords of the fatal Consequences which, at critical Conjunctions, they have often dreaded, or appeared to dread, from a Disagreement of this House with the Commons. At this Time, in which the Nation is engaged in War ; when the whole Continent is one general Scene of Discord and Confusion ; when the wisest Counsels, the firmest Unanimity, and the most vigorous Measures are apparently necessary, it might not be improper to reflect how unreasonably we shall irritate the Commons by rejecting this Bill ; and how justly we shall exasperate the People, by shewing them that their Complaints and Remonstrances are of no Weight ; that they must expect the Redress of their Grievances from some other Power ; and that we prefer the Impunity of one Man to the Happiness and Safety of the Publick.

The Earl of *Illy* spoke to the following Purpose :

*My Lords,*

' As there has in this Debate been very frequent Mention of extraordinary Cases, of new Modes of Wickedness, which require new Forms of Procedure ; and new Arts of eluding Justice, which make new Methods of Prosecution necessary ; I cannot forbear to lay before your Lordships my Sentiments on this Question : Sentiments not so much formed by Reflection as impressed by Experience, and which I owe not to any superior Degree of Penetration into future Events, but to subsequent Discoveries of my own Errors.

E. of *Illy*.

' I have observed, my Lords, that in every Collision of Parties, that Occasion on which their Passions are inflamed is always termed an extraordinary Conjunction, an important Crisis of Affairs ; either because Men affect to talk in strong Terms of the Business in which they are engaged, for the sake of aggrandizing themselves in their own Opinion and that of the World, or because the present Object appears greatest to their Sight by intercepting others, and that is imagined by them to be really most important in itself, by which their own Mind is most affected.

' On these extraordinary Occasions, my Lords, the Victorious have always endeavoured to secure their Conquests, and to gratify their Passions by new Laws ; by Laws, even in the Opinion of those by whom they are promoted, only

An. 15. Geo. II.

1742.

justifiable by the present Exigence. And no sooner has a new Rotation of Affairs given the Superiority to another Party, than another Law equally unreasonable and equally new, is found equally necessary for a contrary Purpose. Thus is our Constitution violated by both, under the Pretence of securing it from the Attack of each other, and lasting Evils have been admitted for the Sake of averting a temporary Danger.

‘ I have been too long acquainted with Mankind to charge any Party with Insincerity in their Conduct, or to accuse them of affecting to represent their Disputes as more momentous than they appeared in their own Eyes. I know, my Lords, how highly every Man learns to value that which he has long contended for, and how easily every Man prevails upon himself to believe the Security of the Publick complicated with his own. I have no other Intention in these Remarks, than to shew how Men are betray’d into a Concurrence in Measures, of which, when the Ardour of Opposition has subsided, and the imaginary Danger is past, they have very seldom failed to repent.

‘ I do not remember, my Lords, any Deviation from the established Order of our Constitution, which has not afterwards produced Remorse in those that advised it. I have known many endeavour to obviate the Evils that might be produced by the Precedents which they have contributed to establish, by publick Declaration of their Repentance, and Acknowledgements of their Error; and for my Part I take this Opportunity of declaring, that tho’ I have more than once promoted extraordinary Bills, I do not recollect one which I would not now oppose, nor one of which Experience has not shewn me that the Danger is greater than the Benefit.

‘ I have learned at length, my Lords, that our Constitution has been so formed by the Wisdom of our Ancestors, that it is able to protect itself by its own Powers; without any Assistance from temporary Expedients, which, like some Kinds of Medicines in the human Body, may give it the Appearance of uncommon Vigour, but which in secret prey upon its noblest Parts, and hurry it to a sudden Decay.

‘ But none of all the Measures into which I have seen Parties precipitated, have I known parallel to the Bill which is now defended in this House; a Bill which I hope we shall have Reason to term the wildest Effort of misguided Zeal, and the most absurd Project that the Enthusiasm of Faction ever produced.

‘ The particular Clauses of this Bill have been already examined with great Acuteness and Penetration, and have all

all been shewn to be absurd or useless. I shall therefore only add this Observation, that the Indemnification, however liberally offer'd, will be wholly at the Disposal of those who shall receive the Examinations; by whom, when such Discoveries are not made as they may happen to expect, the Witnesses may be charged with Reserve and Insincerity, and be prosecuted for those Crimes which could never have been known but by their own Confession.

An. 15. Geo. M.  
1742.

' It is not impossible, but that if the Bait of Indemnification shall be found insufficient to produce Testimonies against the noble Person, a Bill of Pains and Penalties may be attempted to terrify those who are too wise to be ensnared by specious Promises; for what may not be expected from those who have already sent their Fellow-Subjects to Prison, only for refusing to accuse themselves.

' Nor can I discover, my Lords, how the most abandoned Villains will be hindered from procuring Indemnity by Perjury; or what shall exclude a Conspirator against the Life and Government of his Majesty from Pardon, if he swears that in a Plot for setting the Pretender on the Throne, he was assisted by the Counsels of the Earl of *Orford*.

' It has indeed been in some Degree granted, that the Bill requires some Amendment, by proposing that the necessary Alterations may be made to such Parts of it as shall appear defective to the Committee, which would indeed be highly expedient, if only some particular Clauses were exceptionable; but, my Lords, the Intention of the Bill is cruel and oppressive; the Measures by which that Intention is promoted are contrary to Law, and without Precedent; and the original Principle is false, as it supposes a Criminal previous to the Crime.

' It is urged as the most pressing Argument by the Advocates for the Bill, that it ought to be passed to gratify the People. I know not, my Lords, upon what Principles those who plead so earnestly for rigid Justice, can endeavour to influence our Decisions by any other Motives; or why they think it more equitable to sacrifice any Man to the Resentment of the People, than to the Malice of any single Person; nor can conceive why it should be thought less criminal to sell our Voices for Popularity than for Preference.

' As this is therefore, my Lords, a Bill contrary to all former Laws, and inconsistent with itself; as it only tends to produce a bad End by bad Means, and violates the Constitution not to relieve but to oppress; as the Parts singly considered are defective, and the whole grounded upon a false Principle; it neither requires any longer Debate, nor de-



An. 15. Geo. II. <sup>1742.</sup> serves any farther Consideration ; It is rather to be detested than criticised, and to be rejected without any superfluous Attempt for its Amendment.

The Question being then put, whether the Bill should be committed ? It was resolv'd in the Negative. §

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|---------|----|------|-------------|----|-------|
| Content | 47 | } 57 | Not Content | 92 | } 109 |
| Proxies | 10 |      | Proxies     | 17 |       |

*Dissentient*

MACCLESFIELD,

I. Because the Rejecting of this Bill, founded, as we conceive, upon Reason and Justice, warranted by Precedents, authorised by Necessity, and called for by the general Voice of the Nation, may appear a manifest Obstruction to publick Justice, in the present great and important Case, and a most certain Defeat of it for the Future, in all Cases of the like Nature.

II. Because it is an uncontroverted Maxim of the Law of England, That the Publick has a Right \* to every Man's Evidence, and yet, by the same Law, no Man is obliged to accuse himself ; and as the Accomplices of Guilt are frequently the only Witnesses of it, we conceive, that both Prudence and Justice point out this Method of Impunity to Some, as absolutely necessary towards discovering the Guilt of Others ; and thereby dissolving those Confederacies, which, formed by common Guilt, can only subsist while they are cemented by common Danger. From these undeniable Principles we apprehend this Bill ought to have passed, in order to preserve the Rights of the Publick, and the Rights of Individuals.

III. Because this Bill is justified by many Bills of a much stronger Nature, in Cases of much less Consequence to the Publick ; such as the Cases of Sir Thomas Cooke, † the Masters in Chancery, ‡ Sir Robert Sutton, Thompson, and others, in some of which, the Persons indemnified, in order to give their Evidence, were, at the same Time, compelled, under severe Penalties, to give it. And as there is a Power, not only of indemnifying, but rewarding, necessarily lodged in the Crown, in order to bring Criminals to Justice, by Evidence known to, and within the Reach of the Laws, so we apprehend, that in an Enquiry after Crimes, that may affect the

§ For the Proceedings of the House of Commons in Consequence of this Bill's being rejected, See CHANDLER's History, VOL. 13.

• See before, p. 148

† See TIMBERLAND's History of the House of Lords, Vol. I. Anno 1695. p. 446.

‡ Ibid. Vol. 3.

the Being of the Whole, the People have a Right to the Exertion of that Power with which the Legislature is undoubtedly vested, to come at such Evidence as may make that Enquiry effectual to their future Security.

AN. 15. Geo. II.  
1748.

IV. Because the Legislature has exercised this Power in many Instances, relating to particular Branches of the Revenue, in order to prevent Frauds ; the Persons concerned in such Frauds being not only indemnified, but rewarded also. And for the private Utility of one Company, the Legislature, by the 9th of King *George* the First, after forbidding any Person to be concerned in promoting an *East-India* Company in the *Austrian Netherlands*, gives to our *East-India* Company a Power to prosecute, by Bill in Chancery, or Court of Exchequer, any Person whom they shall suspect, obliging such Person to make Discovery upon Oath, tho' such Discovery subjects him to a Forfeiture. As also for the better Discovery of Felonies the Legislature has thought fit by an Act, 5th of Queen *Anne*, to pardon any Person not only of the Felony discovered, but of all other Felonies he has ever been guilty of, upon his making a Discovery of two Persons who shall thereupon be convicted of any Burglary or Felony, and that Discoverer is also intitled to a Reward.

V. Because the Rejecting this Bill may prove a dangerous Precedent of fatal Consequence to this Constitution ; since, whenever this Nation shall be visited by a wicked Minister, those who shall have served him in defrauding and oppressing the Publick, and in corrupting Individuals, will be furnished with an Excuse for refusing their Evidence ; their Danger will produce his Security, and he may enjoy with Safety the Plunder of his Country : Nay, we even apprehend, that the Rejecting of this Bill may be misunderstood by those who can make any Discovery, as if this House designed to discourage any Evidence whatsoever, that could affect the Person whose Conduct the Secret Committee was appointed, by the House of Commons, to enquire into. A Minister may be removed from his Place, and not from his Power ; \* he may be removed from both, and not from the Favour of his Prince ; nay, he may be deprived of all three, and yet his Successor may think his Interest and future Safety, and his Prince may imagine his Authority, concern'd in protecting him from either Punishment or Enquiry. In any of which Cases all written Evidence, all Office-Proofs, will be secreted or refused ; and if verbal Evidence be render'd impracticable too ( which the rejecting of this Bill will furnish a Precedent for ) we conceive we might as well have passed an Act of Indemnity to all future Ministers.

VI. Be-

\* See before, p. 162.

An. 15. Geo. II.  
1742.

VI. Because we can by no Means agree to the Argument principally urged against this Bill, that there were not Proofs of Guilt against this Person sufficient to justify the passing it ; whereas, in our humble Opinions, the Voice of the Nation, the Sense of the other House, and the lamentable Situation of this Kingdom, both at Home and Abroad, create Suspicions which not only justify, but even call aloud for Inquiry ; which Inquiry must necessarily prove ineffectual, unless the proper Methods are taken to support it ; of which we apprehend this Bill to be one, and a Proceeding so just, that no innocent Man would desire to avoid it, and no guilty one ought to escape it : Moreover the Reasons assigned by the Persons whose Behaviour gave Rise to this Bill, for refusing their Evidence, is a sufficient Implication that it would affect the Earl of *Orford*, since they admit it would affect themselves.

VII. Because we conceive that the rejecting this Bill may create great Disaffection in the Nation, to the Diminution of the Credit, and consequently of the Authority of this House, when the People find themselves disappointed in their just Expectations of having a strict Inquiry made into the Conduct of the Earl of *Orford*, which they have so long called for in vain, and hoped they had at last obtained. Groaning under the undiminished Load of National Debts and Taxes, notwithstanding a long Peace ; trembling under the Terrors of multiply'd Penal Laws ; deploring their sacrificed Honour, and their neglected Interests ; the Balance of *Europe* overturned Abroad, and the Constitution endanger'd at Home ; they call for Inquiry ; they seek for Justice ; they hope for Redress : The other House has taken the proper Steps to answer these Expectations ; the Inquiry begun there could only have been render'd effectual in one material Point by this Bill ; which being rejected by this House, from whence they expect Justice and Redress, we fear their blasted Hopes, which, for a Time, may seem sunk into a slavish Despondency, may at last break out into Disorders, more easy, possibly, to foresee than to remedy.

*Denbigh, Chesterfield, Oxford and Mortimer, Bathurst, Ward, Thanet, Foley, Aylesford, Westmoreland, Abingdon, Berkshire, Gower, Northampton, Boyle, Coventry, Rockingham, Greenwich, R. Lincoln, Dunk-Halifax, Craven, Fulmouth, Bedford, Cobham, Carlisle, Ailesbury, Sandwich, Litchfield, Beaufort, Shaftsbury, Leigh, St John, Haverham.*

*May*

May 27. The Lord Bishop of *St. Asaph* \* was ordered to preach before the House on the 29th, being the Restoration Day. An. 15. Geo. II.  
1742.

June 1. The Bill *For the better securing the Trade and Navigation of the Kingdom in Time of War*, being read a second Time, the Earl of *Winchelsea* stood up, and spoke as follows : Debate on a Bill  
from the Com-  
mons for secur-  
ing Trade and  
Navigation in  
Time of War.

*My Lords,*

‘ I know not by what Accident the numerous Defects and general Impropriety of this Bill, have escaped the Attention of the other House ; nor is there any Necessity for examining the Motives upon which it passed, or of enquiring whether its Reception was facilitated by the Popularity of the Title, the Influence and Authority of those by whom it was proposed, or the imaginary Defects of our present Regulations, which have been on some Occasions represented to be such as it is scarcely possible to change but for the better. E. of Winchelsea.

‘ The Knowledge and Experience of those who concurred in sending this Bill for your Lordships Approbation, cannot but produce some Degree of Prepossession in its Favour ; for how can it be imagined, my Lords, that Men of great Abilities and continual Opportunities of Observation, should not be well versed in Questions relating chiefly to their private Interest, and discover the nearest Way to their own Success !

‘ And yet, my Lords, it will be found that their Sagacity has perhaps never so apparently forsaken them as on this Occasion ; that no Proposition was ever laid before this House, in which more contracted Motives were discovered ; and that the Bill is such as might rather have been expected from petty Traders unacquainted with the Situation of Kingdoms, the Interests of Princes, the Arts of Policy, the Laws of their own Country and the Conduct of former Wars, than by Merchants of extensive Traffick, general Correspondence, and great Attainments.

‘ Before I proceed, my Lords, to confirm the Character of the Bill by a distinct Consideration of the particular Paragraphs, and an Enumeration of several Improprieties and Defects which may be found in it, I think it not superfluous or unseasonable to remark one general Error, common to this with all other Laws of the same Kind, the Error of prescribing Rules to Military Operations, of attempting to fix what is in its own Nature variable, as it must depend upon external Causes to which the *British* Legislature has yet found no Means of extending its Authority.

‘ To direct, upon remote Conjectures and uncertain Prospects, the Conduct of a Commander, is, in my Opinion, my

An. 15. Geo. II.

1743

my Lords, not more rational than to trace upon a Chart the Course of a Ship, and pronounce it criminal to deviate from it. The one supposes a Foreknowledge of the Motions of the Wind, and the other of the Councils of our Enemies; nor can any Thing be expected from such Regulations but Overthrow and Disgrace. I believe, my Lords, that in running over the Histories of the World, and examining the Originals of the mightiest Empires, and the sudden Revolutions which have been produced by the overpowering Torrents of War, which at different Periods of Time, have swept the Powers of the Earth before them, it will be found that all rapid Conquests and sudden Extensions of Empire have been effected by Sovereign Princes at the Head of Armies which acted only by immediate Command: That few memorable Actions have been performed by delegated Commanders, and that of those few whose Names have descended to Posterity, those have generally been most successful who were invested with the largest Powers, who acted without Controul, and were at Liberty to snatch every Opportunity, and improve every favourable Conjecture, without any Necessity of communicating their Schemes, of waiting for the Result of tedious Deliberations, or of soliciting a Relaxation of former Orders.

‘ But, my Lords, though perhaps all positive Prescriptions of the Conduct of Military Undertakings have a Tendency rather to obstruct than promote Success; yet as they may be drawn up with different Degrees of Wisdom and Sagacity, they may have a greater or less Appearance of Usefulness and Reason. Such as have been well concerted may afford useful Hints, though they ought not to be enacted with indispensable Obligations. And to consider even those in which less Proofs of Skill and Foresight can be discovered, may have at least this Advantage, that the Proposals may not be speedily repeated, nor our Counsels embarrassed with absurd Expedients. I shall therefore lay before your Lordships my Opinion of every Paragraph, and shew what are the Objections which may be raised both to the whole Bill in general, and to its particular Clauses.

‘ To the Bill in general, it must be objected, that it is filled with vague Expressions, and Ideas so indeterminate, that no Man can tell when he has obeyed it. Here are many Rules ordered to be observed when there shall be no just and sufficient Reason for neglecting them; and some Operations to be performed as often as there shall be Occasion; and Ships are to cruize in a certain Latitude, unless there is a Necessity of employing them elsewhere.

‘ Did not the Title of this Bill, my Lords, give it some Claim

Claims to a serious Consideration, and did not the Integrity and Capacity of those by whom it was drawn up, exempt them from Contempt and Ridicule, I should be inclined to treat a Law like this with some Degree of Levity ; for who, my Lords, can be serious when his Consent is desired to a Bill, by which it is enacted, That Men shall act on certain Occasions as they shall think most expedient.

2742  
An. 15. Geo. II.

‘ Nor is this, my Lords, the only Instance of Precipitancy and Want of Consideration, for many of the Injunctions are without any penal Sanction ; so that though we should pass this Bill with the greatest Unanimity, we should only declare our Opinion, or offer our Advice, but should make no Law ; or what, with Regard to the Purposes of Government, is the same, a Law which may be broken without Danger.

‘ But general Objections, my Lords, will naturally produce general Evasions, and a Debate may be prolonged without producing any clear View of the Subject, or any satisfactory Decision of a single Question : I shall therefore endeavour to range my Objections in Order ; and by examining singly every Paragraph of the Bill, shew the Weakness of some Expedients, the Superfluity of others, and the general Unfitness of the Whole to produce the Protection and Security intended by it.

‘ In the first Clause alone may be found Instances of all the Improprieties which I have mentioned to your Lordships : It is proposed that in a Time of War between this Kingdom and any other State, such a Number of Ships shall be employed as Cruizers or Convoys in the Channel, as the Admiralty shall judge most proper for that Purpose. What is this, my Lords, but to continue to the Admiralty the Power which has been always executed ? What is it but to enact that the Ships shall be station’d in Time of War as the Commissioners of the Admiralty shall determine and direct ?

‘ Of these Ships, it is further enacted, that they shall be careened three Times a Year, or oftner if there shall be Occasion ; but it is not declared who shall judge of the Necessity of careening, or who shall be punished for the Neglect of it when it is requisite, or for the Permission or Command of it when it is superfluous.

‘ There is yet another Regulation, my Lords, in this Clause, which ought not to be passed without Remark. It is provided, that the Sailors employed in the Cruizers and Convoys in the Channel, shall not be turned over but to other Cruizers and Convoys ; by which I suppose it was intended, that our Outguards should be prevented from being weakened, and that our Merchants should never be destitute of Protection ;

n. 15. Geo. II.  
1742.

an End truly laudable, and which deserves to be promoted by some Establishment better concerted. The Expedient now proposed, seems to have been contrived upon the Supposition, that the Admiralty may not always be very solicitous for the Safety of the Merchants, and that therefore it is necessary to secure them by a Law from the Danger of being deprived of Protection; for upon the present Establishment, the Removal of Men from one Ship to another must be made by the Permission of the Admiralty, and when the Right of such Permission shall by this Law be taken away, what new Security will the Merchants obtain? The Admiralty will still have the Power, though not of turning over the Men, yet of recalling the Ships, and Commerce suffer equally in either Case.

‘ By the second Clause, my Lords, there is still a Power reserved to the Admiralty, of dismissing these Guardians of Commerce from their Stations, and employing them in Case of great Necessity in the Line of Battle, on this Side Cape *Finisierre*. Not to cavil, my Lords, at the Term of *great Necessity*, of which it is apparent that the Commissioners of the Admiralty are to judge, I would desire to be informed what Measures are to be taken, if a Royal Navy should unluckily rove beyond this Cape which is marked out as the utmost Bound of the Power of the Admiralty, and should there be reduced to the Necessity of engaging desperately with a superior Force, or retiring ignominiously before it. Are not our Ships to pass a single League beyond their Limits, in the Honour or Preservation of their Country? Are they to lye unactive within the Sound of the Battle, and wait for their Enemies on this Side the Cape?

‘ The third Clause, my Lords, is, if not absurd like the former, yet so imperfectly drawn up, that it can produce no Advantage; for of what Use will it be to station an Officer where his Majesty shall think fit? At all the Royal Docks there are Officers already stationed, and in any other Place what can an Officer deputed by his Majesty do more than hire Workmen, who will as chearfully and as diligently serve any other Person? And why may not the Captain of the Vessel procure Necessaries for Money without the Assistance of a Commissioner?

‘ In the Fourth Clause, my Lords, nothing is proposed but what is every Day practised; nor any Authority conferred upon the Court of Admiralty than that which it always possessed, punishing those who disobey their Orders. The Provision against the Crime of wilfully springing a Mast is at least useless; for when did any Man admit that he sprung his Mast by Design? Or why should it be imagined that such

an Act of Wickedness, such flagrant Breach of Trust and apparent Desertion of Duty, would in the present State of the Navy escape the severest Punishment? Would not all the Officers and Marines on Board the Ship see that such a Thing was wilfully done? Would not they cry out,—“You are springing the Mast,” and prevent it, or discover the Crime, and demand Punishment?

Ans. 15. Geo. II.  
1742.

‘ The fifth Clause, my Lords, is without any penal Sanction, and therefore cannot be compulsive; nor is any Thing of Importance proposed in it, which is not already in the Power of the Parliament. Either House may demand an Account of the Stations and Employments of the Ships of War; nor does the Parliament now omit to examine the Conduct of our Naval Affairs, but because our Attention is diverted by more important Employments, which will not by this Bill be contracted or facilitated.

‘ The Use of the Provision in the sixth Clause, my Lords, I am not able to conceive; for to what Purpose, my Lords, should the Ships appointed for any particular Service be nominated at any stated Time? What Consequence can such Declarations of our Designs produce, but that of informing our Enemies what Force they ought to provide against us? In War, my Lords, that Commander has generally been esteemed most prudent, who keeps his Designs most secret, and assaults the Enemy in an unguarded Quarter with superior and unexpected Strength.

‘ In the seventh Clause, many Regulations are prescribed to the Commanders of those Ships which are appointed to convoy the trading Vessels. These Regulations, my Lords, are not all equally unreasonable, but some of them are such as it may on many Occasions be impossible for the Commanders of his Majesty’s Ships to observe in such a Manner, as that the Masters of Merchants Ships may not imagine themselves neglected or forsaken. The Captain of the Convoy may be therefore harassed by them with Prosecutions, in which it may be difficult to make his Innocence appear. The Convoy may be sometimes accused of deserting the Traders, when the Traders in Reality have forsaken the Convoy, in Confidence that they should either arrive safe at the Port without Protection, or be able if they should happen to fall into the Enemies Hands, to charge their Misfortune upon the Negligence of their Protector.

‘ The eighth Clause, my Lords, is so far from being such as might be expected from Merchants, that it seems rather to have been drawn up by Men who never saw the Sea, nor heard of the Violence of a Storm: For who that had the slightest Idea of the Uncertainty and Hazard of a Sailor’s Condition,



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Condition, who that had been ever told of a Shipwreck, or but looked on the Pictures of a Naval Distress, would propose that no Ship should retire to a Harbour, or quit the Station to which it was assigned, on any Pretence whatsoever, without Permission; which sometimes could not be obtained in many Months, and which never could be received soon enough to allow of a Remedy for sudden Distresses or pressing Calamities. It might with equal Reason be enacted, that no Man should extinguish a Fire without an Act of Parliament, or repel a Thief from his Window without a Commission of Array.

‘ It is happy, my Lords, that this Clause is not enforced by a Penalty, and therefore can never have the obligatory Sanction of a Law; but since it may reasonably be supposed, that the Authors of it intended that the Observation should be by some Means or other enjoined, let us examine how much Security it would add to our Navigation, and how much Strength to our Naval Power, if the Breach of it had been made capital, which is in itself by no Means unreasonable; for what Punishment less than Death can secure the Observation of a Law, which, without the Hazard of Life, cannot be obeyed?

‘ Let us therefore, my Lords, suppose a Crew of gallant Sailors surprized in their Cruise by such a Hurricane as is frequent in the *West-India* Seas, which the highest Perfection of Skill, and the utmost Exertion of Industry has scarcely enabled them to escape; let us consider them now with their Masts broken, their Ship shattered, and their Artillery thrown into the Sea, unable any longer either to oppose an Enemy, or to resist the Waves, and yet forbidden to approach the Land, and cut off from all Possibility of Relief, till they have represented their Distress to some distant Power, and received a gracious Permission to save their Lives.

‘ Misery like this, my Lords, admits no Exaggeration, nor need I dwell long on the Absurdity of establishing Regulations which cannot be observed; and which if they were enforced by any Sanctions proportioned, as all penal Sanctions ought to be, to the Temptations of violating them, must drive all our Sailors into foreign Service, or urge them, upon the first Distress, to Defiance of Law, and fill the *West-Indies* with Pyrates and with Rebels.

‘ By the ninth Clause, my Lords, nothing is proposed but a Relaxation of the present Discipline. It requires, that the Commanders of Ships of War shall send only once in six Months those Accounts of their Conduct and their Service, which they are at present obliged to transmit by every Ship that returns from the *West-Indies*; so that by passing  
this

this Bill, we shall only be disabled from receiving regular An. 15. Geo. II.  
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and seasonable Informations of the Transactions of our distant  
Squadrons and Colonies, shall be disturbed with groundless  
Suspensions, and tortured with unnecessary Suspence.

I have arrived at length at the last Clause; a Clause, my  
Lords, worthy to be the concluding Paragraph of a Bill  
like this; a Clause in which the Power of the Admiralty is  
communicated to the Governors of our Colonies: Men, my  
Lords, not hitherto much celebrated for their superior Wis-  
dom, Moderation, or Integrity; of whom at least it is no  
Reproach to assert, that they are known to be for the most  
part wholly unacquainted with Maritime Affairs, and very  
little famed for Military Knowledge; and of whom it is a-  
bove all to be considered, that they generally commence  
Merchants at their Arrival in the *West Indies*, and may  
more probably direct Ships sent to guard the Colonies, to  
Stations in which they may preserve their own Vessels, than  
to those where they may contribute most to the general Se-  
curity of Trade.

Thus, my Lords, I have examined without Prejudice  
every Paragraph of this Bill, and believe that from the Ob-  
jections which I have made, it appears now plainly to your  
Lordships that all the Regulations, which are of any use,  
are such as are already established by long Custom, or by  
former Statutes; and such therefore as is unnecessary to  
mention in a new Law; and that whatever is here to be  
found new is absurd, unintelligible or pernicious.

This Bill, my Lords, is said to be founded on the Act  
made, for the same Purpose, in the Wars of Queen  
*Anne*; but I cannot forbear to observe that the original Law,  
tho' not one of those to which much of the Success of that  
War is to be ascribed, was drawn up with more Discern-  
ment than the Bill before us. It was at least intelli-  
gible; the Number of Cruizers was limited, and it was  
therefore possible to know when it was obeyed; but of this  
Bill I can confidently assert, that as no Man can understand,  
so no Man can observe it.

I have spoken more largely, my Lords, on this Occa-  
sion, because this Bill relates particularly to my present Em-  
ployment; in which as I desire to do my Duty I desire to  
know it: And surely I cannot be condemned by your Lord-  
ships for opposing a Bill of which the only Tendency is to  
make my Province difficult; to render one Part of my Office  
inconsistent with another, and engage me in the Task of su-  
perintending the Execution of impracticable Measures.

What Influence my Arguments will have upon your  
Lordships, I cannot foresee. As every Man flatters himself  
that

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that his own Opinions are right, I hope to find this House concurring in my Sentiments ; but whatever may be the Determination of your Lordships, I am so fully convinced of the pernicious Tendency of this Bill, and the Embarrassments which must be produced by an Attempt to execute it, that if it be not rejected by this House, I shall willingly resign my Office to others of more Courage and greater Abilities ; for I can have no Hopes of performing my Duty under these Restrictions, either to my own Honour, or to the Advantage of my Country.

The Duke of *Bedford* spoke next to the following Effect :  
D. of *Bedford*. *My Lords,*

‘ Though the noble Lord has produced very specious Arguments against every Paragraph of the Bill before us, and though many of his Observations are just, and some of his Objections not easily to be answered ; yet I cannot admit that it will produce those fatal Consequences which he seems to foresee, nor am I yet convinced that it will be either pernicious or useless.

‘ It has always, my Lords, been the Practice of this House to attend to every Proposal for the publick Advantage, to consider it without any Regard to the Character of those by whom it is offered, and to approve or reject it upon no other Motives than those of Justice and Reason.

‘ The same Equity and Prudence has always influenced your Lordships to distinguish between the several Parts of the same Bill ; to reject those Expedients, of which however plausible, either Experience or Reason may discover the Impropriety, and to retain those from which any real Benefit can reasonably be expected. We should never throw away Gold because it is mingled with Dross, or refuse to promote the Happiness of the Nation, because the Expedients which were offered for that End happened to be conjoined with some others of a disputable Nature.

‘ By the Prosecution of this Method, a Method, my Lords, too rational and just to be neglected or forgotten, I doubt not but this Bill, which as I shall readily admit, is not yet perfect, may be improved into a Law, from which the Nation will receive great Advantages, by which our Trade will be extended and our Riches increased.

‘ Many of the Clauses, my Lords, may, in my Opinion, admit of an easy Vindication ; others may be amended by very slight Alterations, and very few are either wholly useless, or manifestly improper.

‘ The chief Defect of the first Clause, is such, that the noble Lord has, by declaring his Disapprobation of it, given

ven a very uncommon Proof of his Integrity, Disinterestedness and Moderation; for it is imperfect only by placing too much Confidence in the Admiralty, which is left in full Power to determine the Number of Cruizers in or near the Channel and Soundings.

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‘ The noble Lord has remarked, that the Act of Queen Anne, on which the present Bill is founded, exacted a determinate Number of Ships to be employ’d in this particular Service, and that it was therefore more prudently drawn up than the present Bill. But I cannot see the Wisdom of diminishing the Authority of the Lord High Admiral, for had that Action been extended in the same Manner to other Services, it would have left him only the Name and Shadow of an Office without Power and without Use.

‘ This Clause, my Lords, rightly understood, is only a Declaration of Confidence in his Majesty’s Officers, an evident Confession of their Abilities to discern the Interest of the Publick, and of their Zeal for the Prosecution of it.

‘ With as little Reason, my Lords, can it be objected, that the Ships are required to be careened three times a Year. The Necessity of careening frequently those Ships of which the chief Use arises from their Swiftmess, every Sailor can declare to your Lordships; nor will any Man, whom his Employments or his Amusements have made acquainted with Navigation, alledge that any Thing is proposed in the Bill which it would not be detrimental to the publick Service to neglect.

‘ It has been objected by the noble Lord, that they are directed to be careened *oftner, if there be Occasion*, Terms by which a discretionary Power is implied, of which yet it does not appear in whose Hands it is lodged. Let us consider, my Lords, what Inconvenience can arise from the Clause as it now stands, and what Corruption or Negligence can be encouraged by it.

‘ The discretionary Right of bringing the Ship into the Ports to be careened oftner than thrice a Year, must be without Controversy placed in the Captain; for none but those that are in the Ship can discover the Necessity of careening it, or know the Inconveniencies that are produced by the Adhesion of extraneous Substances to its Sides and Bottom.

‘ I own, my Lords, it may be objected, that every Captain will by this Clause be furnished with an Excuse for deserting his Station at Pleasure; that under Pretence of uncommon Ardour to pursue the Enemy, he may waste his Time in endless Preparations for Expeditions; that he may loiter in the Port to careen his Ship, that, before it is foul, he may bring it back again, and employ the Crew in the

Ans. 15. Geo. II. same Operation ; and that our Merchants may be taken at  
 1742- the Mouth of the Harbours in which our Ships of War lie  
 to be careened.

‘ But, my Lords, it is to be remembered, that in the third Clause a Commissioner is appointed, by whom Accounts are regularly to be transmitted to the Admiralty of the Arrival and Departure of every Ship, and by whom the Conduct of every Captain is to be inspected, and that he may easily detect such Commanders, as shall careen their Ships only for the Sake of deserting their Stations.

‘ Nor can the Merchants suffer by any Negligence or Corruption of the Captains, because it is intended that the Place of every Ship returning into Port shall be supplied by another, and that the same Number shall be always in the same Station, unless some more important Service makes them more necessary in another Place.

‘ This Proviso, my Lords, a Proviso undoubtedly reasonable, is established in the second Clause, but has not had the good Fortune to escape the Censure of the noble Lord, who has enquired, What must be the Conduct of the Commanders of cruising Vessels, if a Sea-Fight should happen beyond the Cape which they are in this Clause forbidden to pass ?

‘ That the Clause may admit of Expressions not only more proper, but more agreeable to the Intention of those by whom it was drawn up I cannot deny ; for I suppose it to be very far from their Design to limit the Operations of our Navy to any Part of the Ocean, and I am confident that they meant only that the Cruizers should not be dispatched to such a Distance from their Stations, as that our Coasts should be left long unguarded, or the Enemy to have Time to collect his Forces, and pour his Navies or his Privateers upon our defenceless Traders.

‘ If by the Commissioners mentioned in the third Clause be intended a new Swarm of Officers, the Proposition is such as I confess myself very far from approving, for it will be to very little Purpose that we protect the Trade, if we invent new Commissioners to devour its Profits ; nor can we hope for any other Consequence from additional Wealth, if it be procured by increasing the Influence of the Crown, but that we should become a more tempting Prey to the Harpies of a Court.

‘ But, my Lords, to accomplish all that is intended by this Clause, there is not any Need of new Officers, for there are not many Ports in which Ships of War can be commodiously careened, and there is perhaps not one which can be used for that Purpose, in which there is not already some  
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Officer of the Crown, whose Employment allows him Leisure sufficient for the Execution of a new Charge, and whose present Salary will afford an ample Recompence for some casual Addition of Employment.

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' The fourth Clause, in which it is provided, that no Commander shall wilfully spring his Mast, or desert his Station, is such as I should be willing, with the noble Lord, to think unnecessary ; but must appeal to your Lordships whether the late Conduct of the Convoys has not too evidently shown the Defect of our present Establishment.

' The Injuries, my Lords, which the Publick may suffer by the Negligence of the Commanders of the Ships of War, are such as it is worthy of the Legislature to obviate with the utmost Caution, and therefore it is by no means improper to enact a Punishment for those who shall upon any false Pretences leave their Station ; for though such Neglect of Duty is, in the present State of our naval Establishment, considered as disreputable and irregular, yet it does not appear that it has been censured with the Detestation which it deserves, or punished with the Severity necessary to its Prevention.

' It is observed, my Lords, with relation to the following Paragraph, that either House may at present require Accounts of the Conduct of the Captains of the Navy, and that therefore it is unnecessary to provide by any new Law, that they shall be laid before them ; but if it be considered, my Lords, how many Enquiries which we have a Right to make, are Year after Year constantly omitted, and how many may be excited by Curiosity to read Accounts which lie before them, who yet will not move the House to demand the Accounts, or engage in the Debate which such a Motion may produce, it will not be thought unnecessary to provide that they shall be subject to Examination without the Formality of a regular Vote.

' As to the sixth Clause, my Lords, which regards the Nomination of Convoys at a certain Time, I can discover no reasonable Objections to such a Provision, or none that can preponderate against the Advantages which may arise from it. By the certain Establishment of Convoys, the Value of Insurance may be nearly fixed, Merchants will know what Confidence is to be reposed in the Force of the Ships, and what they have perhaps had of late equal Reason to examine, how much Trust can be placed in the Fidelity of the Commanders.

' The Nomination of Convoys, my Lords, is in my Opinion more likely to asfright our Enemies and to deter their Attempts, than to encourage them by the Information which it

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will afford them ; for nothing but our own Negligence can conceal from us the naval Strength of any Power on Earth, and we may always, while we are careful to preserve our maritime Superiority, protect our Merchants so powerfully, that none of our Enemies shall be incited to attack them by the Knowledge of the Number and Force of the Ships appointed for their Defence.

‘ I come now, my Lords, to the seventh Clause: And surely to ascertain the Duties of the Captains to whose Protection our trading Vessels are intrusted, cannot appear superfluous to any of your Lordships who have read the Lists of our Losses, heard the Complaints of our Merchants, or made any Enquiry into the Conduct of our Sea-Captains. There is, I fear, too much Reason to believe, that some of them have, with premeditated Design, deserted the Traders in Places where they have known them most exposed to the Incursions of the Enemy ; and it is to the last Degree evident that others have manifested such Contempt of the Merchants, and such a Disregard of their Interest, as may most justly expose them to the Suspicion of very criminal Negligence, of Negligence which no Community can be too watchful against, or too severely punish.

‘ It has been affirmed by the noble Lord, that it is not equitable to subject the Commanders of Convoys to Penalties for the Loss of the trading Vessels, which may perhaps either rashly or negligently quit their Protection. That it is not reasonable to subject them to Penalties is undoubtedly true ; but, my Lords, it is far from being equally certain, that it is not just to expose them to a Trial, in a Case in which it must be almost impossible to determine falsely ; in a Case where the Crews of perhaps twenty Ships may be called as Witnesses of their Conduct, and where none but those whose Ships are lost can be under the least Temptation to offer a false Testimony against them.

‘ On this Occasion, my Lords, it may not be improper to obviate the Objection produced by the seeming Omission of penal Sanctions ; which is only another Proof of implicate Confidence in the Officers of the Admiralty, who have already the Power, allowed to Military Courts, of proceeding against those who shall deviate from their Orders. This Power, which is in a great Degree discretionary, it was thought improper to limit, by ascertaining the Punishment of Crimes, which so many Circumstances may aggravate or diminish ; and therefore, in my Opinion, this Clause is far from being so defective as the noble Lord represented it.

‘ The three last Clauses, by which the Ships in the *West-Indies* are prohibited to leave their Station, by which it is required

quired that Accounts should be once in six Months transmitted to the Admiralty, and by which the Captains are subjected to the Command of the Governors of our Colonies, are in my Opinion justly to be censured. The first is impossible to be observed, the second is unnecessary, and the third will probably produce more Inconveniences than Benefits.

‘ Thus, my Lords, I have endeavoured to show that this Bill, though not perfect, is yet such as with some Emendations may produce great Advantages to the Traders of this Kingdom. For though it is undoubtedly a just Observation, that the Success of Military Attempts cannot be promoted by rigid Restrictions and minute Regulations, yet it is equally certain, that no Nation has yet been so fortunate as to be served by Men of Integrity superior to Laws, or of Wisdom superior to Instructions ; and every Government has found it necessary to direct the Conduct of its Officers by general Rules, though they have been allowed to comply with particular Circumstances, and to give way to sudden Accidents.

‘ I think it therefore, my Lords, necessary to propose that this Bill shall be more particularly examined in a Committee, that after having received the necessary Explanations and Amendments, it may be referred again to the other House.

*The Lord Delawar spoke next.*

*Lord Delawar.*

*My Lords,*

‘ The Noble Duke has, by his Arguments in favour of this Bill, given a very eminent Proof of great Abilities ; he has shewn every Clause in that Light, which may least expose to View its Improprieties and Defects, but has at length only shown that it is not impossible to make it a useful Law, for the Purposes mentioned in the Title of this Bill ; not that any of the Expedients now proposed will afford the desired Advantage to the Publick, or obviate any of the Inconveniences of which the Traders have so long and so importunately complain’d.

‘ This Bill, my Lords, is indeed founded upon a Law made in a Reign celebrated for the Wisdom of our Conduct and the Success of our Arms ; but it will not, I suppose, be asserted, that nothing was even in that Period ill conducted ; nor will it be an Argument, sufficient for the Justification of an Expedient, that it was practised in the victorious Reign of Queen Anne.

‘ If we enquire into the Consequences of that Law, we shall find no Inducements to revive it on this or any future Occasion. For it had no other Effect than that of exposing us to our Enemies by dividing our Forces ; a Disadvantage



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tage of which we soon found the Effects by the Loss of two large Ships of Seventy Guns, and of a Multitude of trading Vessels, which, by that Diminution of our naval Armament, necessarily fell into the Hands of Privateers and small Cruisers that ravaged the Ocean without Fear of Molestation.

‘ If we examine the present Establishment of our Navy, my Lords, it will be discovered that nothing is proposed in this Bill which is not more efficaciously performed by the Methods now in Use, and more judiciously established by Laws of which long Experience has shewn the Usefulness. This, my Lords, will easily appear from the Persual of the Orders which every Commander of a Convoy regularly receives, and of the printed Rules, established by his Majesty in Council, for the Royal Navy.

‘ In these, my Lords, much more is apprehended than can properly be inserted in a Law not occasionally variable, nor do I think any Thing omitted which an experienced and candid Inquirer will think useful to the Increase of our naval Strength, or necessary to the Protection of our Commerce.

‘ In considering this Bill, I shall not trouble your Lordships with a minute Consideration of every single Paragraph, tho’ every Paragraph might furnish Opportunity for Animadversions; but shall content myself with endeavouring to evince the Reasonableness of some of the Objections made by the Noble Lord who spoke first, and enforcing his Opinion with such Arguments as have occurred to me; tho’ indeed it requires no uncommon Sagacity to discover, or superior Skill to prove, that where this Bill will produce any Alteration in our present Scheme, it will manifestly change it for the worse.

‘ For surely, my Lords, it will not be necessary to shew, by any elaborate and refined Reasoning, the Absurdity of confining Cruizers to particular Stations, with an absolute Prohibition to depart from them, whatever may be the Certainty of Destruction, or Prospect of Advantage.

‘ If the Intention of cruising Ships is to annoy the Enemies of this Nation ought they to be deprived of the Liberty of pursuing them? If they are designed for the Protection of our Merchants, must they not be allowed to attend them till they are out of Danger?

‘ Every one, my Lords, has had Opportunities of observing that there are Men who are wholly engrossed by the present Moment, and who, if they can procure immoderate Profit, or escape any impending Danger, are without the least Solicitude with regard to Futurity, and who, therefore, live only by the Hour, without any general Scheme of Conduct,

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or solid Foundation of lasting Happiness, and who consequently are for ever obliged to vary their Measures, and obviate every new Accident by some new Contrivance.

‘ By Men of this Disposition, my Lords, a Temper by which they are certainly very little qualified for Legislators, the Bill now before us seems to have been drawn up; for their Attention is evidently so engaged by the present Occurrences, that there is no Place left for any Regard to distant Contingencies. The Conclusion of this War is to them the Period of human Existence, the End of all Discord and all Policy. They consider *Spain* as the only Enemy with whom we can ever be at Variance, and have therefore drawn up a Law, a Law without any Limitation of Time, to enable us to oppose her. They have, with great Industry and long Searches, discover’d, that Cruizers on this Side Cape *Finisterre*, may be of Use against the *Spaniards*, and propose therefore, that in all Times of War they are to be dispatched to that individual Station, tho’ we should be engaged in Disputes with the Northern Crowns, or fit out Fleets to make Conquests in the *East Indies*.

‘ In all our Wars, my Lords, however judiciously concerted and however happily concluded, the Pleasures of Success have been abated by the Mortification of Losses, and some Complaints have been at all Times mingled with the Shouts of Triumph. How much soever the Glory of the Nation has been elevated, the Fortunes of particular Persons have been impaired, and those have never thought themselves recompensed by the general Advantages of the Publick, who have suffered by the Acquisition of them; they have always imagined themselves marked out for Ruin by Malevolence and Resentment, and have concluded that those Disasters which fell upon them only by the common Chance of War, were brought on them by Negligence or Design.

‘ The Losses of our Merchants in the present War must be acknowledged to have been more than common; but if we examine accurately into the Causes that may be assigned for so great a Number of Captures, we shall find them such as this Law will have no Tendency to remove, such as might be easily imagined before the Commencement of Hostilities, and such as it will be extremely difficult on any future Occasion of the same Kind, to hinder from producing the same Effects.

‘ The first and greatest Cause, my Lords, of the Number of our Losses, is the Number of our Ships, which cannot all be sufficiently protected. The Extent therefore of our Commerce in Proportion to that of our Enemies exposes us to double Disadvantage, we necessarily lie open in more

Parts

An. 15. Geo. II. Parts to the Depredations of Privateers, and have no Encouragement to attempt Reprisals, because they have few Ships

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of Value to be seiz'd. The Profit of our Commerce naturally with-holds our Sailors from our Ships of War, and makes Part of our Navy an idle Show ; the Certainty of Plunder incites them to turn their Merchant-Ships into Cruisers, and to suspend their Trade for more profitable Employment. Thus they at once encrease the Number of Plunderers, and take away from us the Opportunity of repairing our Losses by the same Practice.

‘ And, my Lords, if the Losses of our Merchants have been greater than in former Wars, our Trade is more extensive, and our Ships far more numerous. Nor is it to be forgotten that a very important Part of our Commerce is carried on before the Eyes of the *Spaniards*, so that they may issue out upon our Merchants from their own Coasts, and retire immediately beyond Danger of Pursuit.

‘ But, my Lords, neither the Situation of *Spain*, nor the Extent of our Commerce, would have made this War so destructive, had not our Merchants sometimes facilitated the Attempts of our Enemies by their own Negligence or Avarice.

‘ I have been informed, my Lords, that as the Masters of Trading Vessels complain of having been deserted by their Convoys, the Captains of the Ships of War have, in their Turn, exhibited such Representations of the Conduct of the Trading Masters, as may prove that their Caution is not proportion'd to their Clamour ; and that in however melancholy Terms they may recount the Miseries of Captivity, the Calamities of ruin'd Families, and the Interruption of the Trade of *Great Britain*, they will not endeavour to escape their Enemies at the Expence of much Circumspection ; and that the Prospect of no large Profit will be sufficient to over-balance the Danger of those Evils which they so pathetically lament.

‘ It is not uncommon, my Lords, when the Fleet has enter'd the open Seas, for the Traders to take different Courses both from the Convoy and from each other, and to disperse themselves beyond the Possibility of receiving Assistance in Danger or Distress, and what Wonder is it, if Part of them be lost, since only Part of them can be protected.

‘ It may be imagin'd, my Lords, that this is only an Excuse forged by the Commanders to cover their own Negligence or Treachery ; it may be ask'd, what Motives could induce the Merchants to expose themselves to unnecessary Dangers, or what Proofs they have either given of such wild Negligence of their own Interest or Safety, as that they should

should be suspected of rushing precipitately into the Jaws of An. 15. Geo. II. Rapine.

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This, my Lords, is an Objection specious in itself, and such as those who have not enquir'd into the present State of our Traffick will not very readily discover to be fallacious; but it may easily be removed, by showing that the Danger of being taken by the Enemy is generally not so great to those who have the Direction of the Ship as it is commonly believed.

' By the present Custom of Insurance, my Lords, the Merchant exempts himself from the Hazard of great Losses, and if he insures so much of the Value of the Ship and Cargo, that the Chance of arriving first at the Market, is equivalent to the remaining Part, what shall hinder him from pressing forward at all Events, and directing his Course intrepidly through Seas crowded with Enemies?

' It is well known, my Lords, that there is, in a great Part of Mankind, a secret Malignity, which makes one unwilling to contribute to the Advantage of another, even when his own Interest will suffer no Diminution; nor is it to be imagin'd that this Disposition is less predominant in Traders than in the other Classes of the Community, though it is exerted on different Occasions. The Envy of one Part of Mankind is excited by Reputation, or Interest, or Dignity, or Power. The Trader, for the most Part, envies nothing but Money, in which he has been taught from his Infancy that every human Excellence is comprehended; and contributes to the Increase of the Riches of another, with the same Unwillingness, with which a Soldier would concur in the Advancement of an Inferior Officer to a Post of higher Rank and Authority than his own.

' For this Reason, my Lords, there is generally a Malevolence in the Merchant against the Insurer, whom he considers as an idle Caterpillar, living without Industry upon the Labours of others; and therefore when he lays down the Sum stipulated for Security, he is almost in Suspense whether he should not prefer the Loss of the remaining Part of the Value of his Vessel to the Mortification of seeing the Insurer enjoy that Money, which Fear and Caution have influenc'd him to pay.

' This Disposition undoubtedly inclines him to proceed with less Regard to his own Security, and betrays him into Dangers which it was at least possible to avoid; for to what Purpose, says he, have I insured my Ship if I am not to be set free from the Necessity of Anxiety and Caution? If I arrive safely at the Port, I shall dispose of my Commodities with uncommon Advantage; if I miscarry, the Insurer will

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Art. 15. Geo. II. at least suffer with me, and be deservedly punished for his  
 1742 Suspicions and Extortions.

‘ I doubt not but some of your Lordships will imagine, that I am now indulging chimerical Speculations, that I am ascribing great Force to weak Motives, and supposing Men to act upon Principles, which, in Reality, never operated in the human Breast. When I think disadvantageously of others, my Lords, I am indeed always desirous to find myself mistaken, and shall be pleased to hear on this Occasion from any of your Lordships, who have conversed at large among Mankind, that it is not common for one Man to neglect his Interest for Fear of promoting that of another. In the present Question, my Lords, I have only supposed that Envy may be one Motive among many, and wish its Influence were so small as that it might have been less proper to mention it.

‘ The Practice of Insurance, my Lords, whether it contributes or not to the Number of the Captures, undoubtedly encreases the Glamour which they occasion; for as the Loss is extended, the Complaint is multiplied, and both the Merchant and Insurer take the Liberty of censuring the Conduct of the naval Officers, and of condemning the Measures of the Government. The Ministry is charged with neglecting the Protection of Commerce, with oppressing the Merchants, and with conniving at the Enemies Preparations, that they who most eagerly solicited the War, may be the first that shall repent it.

‘ Another Cause of the Frequency of our Losses in the present War, is the general Circulation of Intelligence throughout *Europe*, by which it is made impossible to conceal from our Enemies the State of our Armies, our Navies or our Trade. Every Regiment that is raised, every Ship that is built, every Fleet of trading Vessels that lies waiting for a Wind, is minutely register’d in the Papers of the Week, and Accounts of it transmitted to every Nation of the World, where Curiosity or Interest will pay for Information. The *Spaniards* therefore need only regulate their Schemes according to their Instructions from *Great Britain*, and watch those Fleets which are frequently sent out, for they may be confident that some Masters will wander from their Protectors, enticed by Avarice, Negligence or Temerity, and that they shall have Opportunities of enriching themselves without the Necessity of engaging the Convoy.

‘ To protect Ships which are to be steer’d each to the Will of the Master, is no less impossible, my Lords, than to conduct an Army of which every private Man is at Liberty  
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to march according to his own Caprice, to form and pursue his own Plan of Operation, and to dispute and neglect the Orders of his Leader. Nor is it more reasonable to subject the Captains of the Ships of War to Penalties for the Loss of a Vessel over which they have no Authority, than to require from an Officer an Account of the Lives of Men, who perished by disobeying his Commands.

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‘ In my Opinion, my Lords, we might, with far greater Probability of Success, revive a Precedent that may be found in the Reign of King *William*, in which it was appointed, by an Order of Council, that the Name of every Ship which went out with a Convoy should be registered, and that the Owners should give Security to provide a sufficient Number of Arms, and a proper Quantity of Ammunition, to assist the *British* Ships in annoying or repelling the Enemy ; with one Injunction more of the utmost Importance to the efficacious Protection of our Commerce, and which therefore in every War ought to be repeated and enforced ; an Injunction by which the Masters of the Ships of Trade were required to obey the Directions of the Commander of the Convoy.

That some Measures ought to be concerted for the Preservation of our Trade,, I am very far from denying, and shall very willingly concur in such as shall to me appear likely to promote the End proposed by them. Our Losses my Lords, are undoubtedly great, tho’, I believe, far less than they are reported by Discontent and Malevolence ; for if a Ship be delayed by an accidental Hinderance, or kept back by contrary Winds for a few Days, there are Men so watchful to snatch every Opportunity of reproaching the Measures of the Government, that a Clamour is immediately raised, the Ship is taken, the Merchants are sacrificed, and the Nation betray’d.

‘ While this Report is conveyed from one to another, and, like other Falshoods, encreasing in its Progress, while every Man adds some Circumstances of Exaggeration, or some new Proof of the Treachery of the Ministry, the Ship enters the Port, and puts an End indeed to the Anxiety of the Owners and Insurers, but by no Means pacifies the People, or removes their Prejudices against the Conduct of their Governors ; for as no Man acknowledges himself the first Author of the Report, no Man thinks himself under any Obligation to retract or confute it, and the Passions of the Multitude being once in Commotion, cannot be calmed, before another Opportunity of the same Kind may be offered for agitating them afresh.

‘ To

An. 15. Geo. II.

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‘ To the Expectations of the People, my Lords, it is always proper to have some Regard, nor is there any valuable Use of Power but that of promoting Happiness, and preventing or removing Calamities ; but we are not to endeavour to pacify them by the Appearance of Redress, which, in Reality, will only encrease those Evils of which they complain ; nor to depress the Reputation of this House by passing Laws which the Experience of a single Month will prove to be of no Use.

‘ Of this Kind, my Lords, the Bill now before us has been shown, by the Noble Lord that spoke first on this Occasion, by whom every Clause has been discovered to be either defective or unnecessary ; and who has evinced, beyond all Possibility of Reply, that the Regulations here proposed can be divided only into two Kinds, of which one is already established either by Law or Prescription, and the other cannot be admitted without apparent Injury both to our Navy and our Trade.

‘ Part of the Clauses the Noble Duke has indeed attempted to defend, but has been obliged, by his Regard to Reason and Truth, to make such Concessions, as are, in my Opinion, sufficient Arguments for the Rejecting of the Bill. He has admitted of almost every Clause that it is imperfect, that it may be amended by farther Consideration, and that, tho’ not wholly to be neglected, it yet requires some farther Improvements to become effectual to the Advantage of our Merchants.

‘ The three last Clauses his natural Abilities and just Discernment immediately showed him to be indefensible ; and he has too much Regard to the Interest of his Country to attempt the Vindication of a Bill, which could not be passed without weakening it, by impairing its naval Force, and yet more sensibly by diminishing the Reputation of its Legislature.

‘ I hope therefore, my Lords, that I shall not undergo the common Censure of Disregard to our commercial Interest, or be ranked amongst the Enemies of the Merchants, tho’ I declare, that in my Opinion, this Bill ought to be rejected as unnecessary and injudicious ; and that we should only, by considering in a Committee what no Consideration can amend, waste that Time in a fruitless Attempt, which may be spent much more usefully upon other Subjects.

Ed. Chesterfield.

Lord Chesterfield spoke next :

*My Lords,*

‘ Though I do not approve equally of every Part of the Bill now before us, though I think some of the Provisions unnecessary

unnecessary, others unlikely to produce any beneficial Effects, and some already established by former Acts of Parliament, or Rules of the Admiralty, yet I cannot agree with the noble Lord that it is unworthy of farther Consideration.

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‘ In my Opinion, my Lords, it is necessary, for many Reasons, to amend this Bill rather than reject it; and I hope, that, when I shall have laid before you the Result of those Enquiries and those Reflections which I have made on this Occasion, your Lordships will judge it not improper to refer it to a Committee.

‘ Nothing, my Lords, is more necessary to the Legislature, than the Affection and Esteem of the People; all Government consists in the Authority of the Few over the Many; and Authority, therefore, can be founded only on Opinion, and must always fall to the Ground, when that which supports it is taken away.

‘ For this Reason, my Lords, it is worthy of this most august and awful House to endeavour to convince the People of our Solitude for their Happiness, and our Compassion of their Sufferings; lest we should seem elevated by the casual Advantages of Birth and Fortune above Regard to the lower Classes of Mankind, lest we should seem exalted above others only to neglect them, and invested with Power only to exert it in Acts of wanton Oppression, lest high Rank should in Time produce Hatred rather than Reverence, and Superiority of Fortune only tempt Rapine and excite Rebellion.

‘ The Bill now under our Consideration, my Lords, cannot be rejected without Danger of exasperating the Nation, without affording to the Discontented and Malevolent an Opportunity of representing this House as regardless of the publick Miseries, and deaf to the Crimes of our Fellow-Subjects languishing in Captivity and mourning in Poverty. The Melancholy and Dejected will naturally conceive us inebriated with Affluence, and elated with Dignity, endeavouring to remove from our Eyes every Spectacle of Misery, and to turn aside from those Lamentations which may interrupt the Enjoyment of our Felicity.

‘ Nor indeed can it be justly said, that such Representations are without Grounds, when we consider the important Occasion on which this Bill is drawn up, the Bitterness of those Calamities which it is intended to redress, and the Authority by which it is recommended to us.

‘ It may naturally be expected, my Lords, that the Title of a Bill for the Protection and Security of Trade should raise an uncommon Degree of Ardour and Attention; it might be conceived that every Lord in this House would be ambitious of signalizing his Zeal for the Interest of his Country,



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1742.

Country, by proposing, on this Occasion, every Expedient which Experience or Information had suggested to him, and that instead of setting ourselves free from the Labour of Enquiry, and the Anxiety of Deliberation, by raising Objections to the Bill and rejecting it, we should labour with unanimous Endeavours and incessant Assiduity to supply its Defects and correct its Improprieties, to show that a Design so beneficial can never be proposed to us without Effect, and that whenever we find honest Zeal we shall be ready to assist it with Judgment and Experience.

‘ Compassion might likewise concur to invigorate our Endeavours on this Occasion. For who, my Lords, can reflect on Families one Day flourishing in Affluence, and contributing to the general Prosperity of their Country, and on a sudden, without the Crimes of Extravagance or Negligence, reduced to Penury and Distress, harrassed by Creditors, and plundered by the Vultures of the Law, without wishing that such Misfortunes might by some Expedient be averted? But this, my Lords, is not the only nor greatest Calamity, which this Bill is intended to prevent. The Loss of Wealth however grievous is yet less to be dreaded than that of Liberty, and Indigence added to Captivity is the highest Degree of human Misery. Yet even this, however dreadful, is now the Lot of Multitudes of our Fellow-Subjects who are languishing with Want in the Prisons of *Spain*.

‘ Surely, my Lords, every Proposal must be well received that intends the Prevention or Relief of Calamities like these! Surely the Ruin of our Merchants must alarm every trading Nation, nor can a *British* Parliament sit unconcerned at the Captivity of these Men by whom Liberty is chiefly supported!

‘ Of the Importance of the Merchants, by whom this Bill is recommended to our Consideration, and by whose Influence it has already passed the other House, it is not necessary to remind your Lordships, who know, that to this Class of Men our Nation is indebted for all the Advantages that it possesses above those which we behold with Compassion or Contempt, for its Wealth and Power, and perhaps for its Liberty and Civility. To the Merchants, my Lords, we owe that our Name is known beyond our own Coasts, and that our Influence is not confined to the narrow Limits of a single Island.

‘ Let us not therefore, my Lords, reject with Contempt what is proposed and solicited by Men of this Class; Men whose Experience and Knowledge cannot but have enabled them to offer something useful and important, tho’ perhaps for want of Acquaintance with former Laws, they may have imagined

imagined those Provisions now first suggested, which have only been forgotten, and petitioned for the Enaction of a new Law, when they needed only an Enforcement of former Statutes.

An. 15. Geo. II.

1742.

‘ That our naval Force has, in the present War, been misapplied, that our Commerce has been exposed to petty Spoilers, in a Degree never known before, that our Convoys have been far from adding Security to our Traders, and that with the most powerful Fleet in the World, we have suffered all that can fall upon the most defenceless Nation cannot be denied.

‘ Nor is it any Degree of Temerity, my Lords, to affirm, that these Misfortunes have been brought upon us, by either Negligence or Treachery ; for, besides that no other Cause can be assigned for the Losses which a powerful People suffer from an Enemy of inferior Force, there is the strongest Authority for asserting, that our maritime Affairs have been ill conducted, and that therefore the Regulation of them is very seasonable and properly solicited by the Merchants.

‘ For this Assertion, my Lords, we may produce the Authority of the other House, by which a Remonstrance was drawn up against the Conduct of the Commissioners of the Admiralty. This alone ought to influence us to an accurate Discussion of this Affair. But when an Authority yet more venerable is produced, when it appears, that his Majesty, by the Dismission of the Commissioners from their Employments, admitted the Justice of the Representation of the Commons, it surely can be of no Use to evince, by Arguments, the Necessity of new Regulations.

‘ It is indeed certain, that Men of Integrity and Prudence, Men of Ability to discern their Duty, and of Resolution to execute it, can receive very little Assistance from Rules and Prescriptions ; nor can I deny what the noble Lord has affirmed, that they may be sometimes embarrass’d in their Measures, and hindered from snatching Opportunities of Success, and complying with emergent Occasions ; but, my Lords, we are to consider Mankind, not as we wish them, but as we find them, frequently corrupt, and always fallible.

‘ If Men were all honest and wise, Laws of all Kinds would be superfluous, a Legislature would become useless, and our Authority must cease for Want of Objects to employ it ; but we find, my Lords, that there are Men whom nothing but Laws and Penalties can make supportable to Society ; that there are Men, who, if they are not told their Duty, will never know it, and who will, at last, only perform what they shall be punished for neglecting.

Were

An. 15. Geo. II.

1742.



‘ Were all Men, like the noble Lord whom I am now attempting to answer, vigilant to discover, sagacious to distinguish, and industrious to prosecute the Interest of the Publick; I should be very far from proposing that they should be constrained by Rule, or required to follow any Guide but their own Reason: I should resign my own Prosperity, and that of my Country implicitly into their Hands, and rest in full Security that Nothing would be omitted that human Wisdom could dictate for our Advantage.

‘ I am not persuading your Lordships to lay Restraints upon Virtue and Prudence, but to consider how seldom Virtue and Authority are found together; how often Prudence degenerates into Selfishness, and all generous Regard for the Publick is contracted into narrow Views for private Interest. I am endeavouring to show, that since Laws must be equally obligatory to all, it is the Interest of the few good Men to submit to Restraints, which, though they may sometimes obstruct the Influence of their Virtue, will abundantly recompence them, by securing them from the Mischiefs that Wickedness, reigning almost without Limits, and operating without Opposition, might bring upon them.

‘ It may not be improper to add, my Lords, that no Degree of human Wisdom is exempt from Error, that he who claims the Privilege of acting at Discretion, subjects himself likewise to the Necessity of answering for the Consequences of his Conduct, and that ill Success will at least subject him to Reproach and Suspicion; from which, he whose Conduct is regulated by established Rules, may always have an Opportunity of setting himself free.

‘ Fixed and certain Regulations, are, therefore, my Lords, useful to the wisest and best Men; and to those whose Abilities are less conspicuous, and whose Integrity is at best doubtful, I suppose, it will not be doubted that they are indispensably necessary.

‘ Some of the Expedients mentioned in this Bill, I shall readily concur with the noble Lord in censuring and rejecting. I am very far from thinking it expedient to invest the Governors of our Colonies with any new Degree of Power, or to subject the Captains of our Ships of War to their Command. I have lived, my Lords, to see many Successions of those petty Monarchs, and have known few whom I would willingly trust with the Exercise of great Authority. It is not uncommon, my Lords, for those to be made cruel and capricious by Power, who were moderate and prudent in low stations; and if the Effects of Exaltation are to be feared even in good Men, what may not be expected from it in those, whom nothing but a distant Employment could secure

secure

secure from the Laws, and who, if they had not been sent An. 16. Geo. II.  
to the *West-Indies* to govern, must probably have gone thi- 1742.  
ther on a different Occasion ?

‘ The noble Duke, who has vindicated the Bill with Arguments to which very little can be added, and to which, I believe nothing can be replied, has expressed his Unwillingness to concur in any Measures, for the Execution of which new Officers must be appointed. An Increase of Officers, my Lords, is indeed a dreadful Sound, a Sound that cannot but forebode the Ruin of our Country ; the Number of Officers already established is abundantly sufficient for all useful Purposes, nor can any Addition be made but to the Ruin of our Constitution.

‘ I am therefore of Opinion, that no new Officer was intended by those that drew up the Bill ; and that they proposed only to furnish those that loiter in our Ports, at the Expence of the Publick, with an Opportunity of earning their Salaries by some useful Employment.

‘ I know not indeed, my Lords, whether any good Effects can be reasonably hoped from this Provision ; whether Men accustomed to Connivance and Negligence in Affairs of less Importance, ought to be trusted with the Care of our naval Preparations, and engaged in Service, on which the Prosperity of the Publick may depend ; and I cannot conceal my Apprehensions, that such Men, if commissioned to superintend others, may themselves require a Superintendent.

‘ But, my Lords, this, and every other Clause may, in a Committee, be carefully examined, and deliberately corrected ; and since it appears evident to me, that some Law is necessary for the Security of our Commerce, I think this Bill ought not to be rejected without farther Consideration.’

The Earl of *Winchelsea* rose again, and spoke as follows :

*My Lords,*

‘ As the known Sincerity of that noble Lord allows no Room for suspecting, that he would bestow any Praises where he did not believe there was some Desert ; and as his Penetration and Acuteness secure him from being deceived by any false Appearance of Merit, I cannot but applaud myself for having obtained his Esteem, which, I hope, will not be forfeited by my future Conduct.

‘ Having happily gained the Regard of so exact a Judge of Mankind, I am the less solicitous what Opinion may be conceived of my Abilities or Intentions by those, whose Censures I less fear, and whose Praises I less value ; and shall therefore cheerfully hazard any Degree of Popularity, which I may have hitherto possessed, by continuing my Opposition

An. 16. Geo. II. to this Bill, of which I am still convinced that it will produce nothing but Embarrassment, Losses and Disgrace.

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‘ The Necessity of gaining and preserving the Esteem of the People I very willingly allow ; but am of Opinion, that though it may sometimes be gained by flattering their Passions, and complying with their Importunities, by false Appearances of Relief, and momentary Alleviations of their Grievances, it is only to be preserved by real and permanent Benefits, by a steady Attention to the great Ends of Government, and a vigorous Prosecution of the Means by which they may be obtained, without Regard to present Prejudices or temporary Clamours.

‘ I believe, my Lords, it will always be found that it is dangerous to gratify the People at their own Expence, and to sacrifice their Interest to their Caprices ; for I have so high a Veneration for their Wisdom, as to pronounce without Scruple, that however they may for a Time be deceived by artful Misrepresentations, they will at length learn to esteem those most who have the Resolution to promote their Happiness in Opposition to their Prejudices.

‘ I am therefore confident, my Lords, of regaining the Popularity which I may lose, by declaring once more that this Bill ought to be rejected ; since no Endeavours shall be wanting to shew how little it is necessary, by an effectual Protection of every Part of our Trade, and a diligent Provision for the naval Service.’

Then the Duke of Bedford spoke as follows ;

*My Lords,*

D. of Bedford.

‘ I am convinced that this Bill is very far from being either absurd or useless ; nor can I imagine that they, by whom it was drawn up, could fail of producing some Expedients that may deserve Consideration.

‘ It is probable that a farther Inquiry may shew the Propriety of some Clauses, which at present appear most liable to Censure ; and that if we reject this Bill thus precipitately, we shall condemn what we do not fully comprehend.

‘ No Clause appeared to me more unworthy of the Judgment and Penetration of the Merchants than the last, nor was there any which I should have rejected at the first Perusal with less Regret ; yet, having taken this Opportunity of considering it a second Time, I find it by no means indefensible ; for the Direction of Ships stationed for the Defence of our *West India* Territories, is not committed to the Governors alone. The Council of each Province is join’d with them in Authority, by whom any private Regards may be overborne, and who cannot be supposed to concur in any Dis-

rections.

rections, which will not promote the general Interest of the Colony. An. 16. Geo. II.  
1742.

‘ I doubt not, my Lords, but other Clauses have been equally mistaken, and therefore think it necessary to consider them in a Committee, where every Lord may declare his Sentiments, without the Restraint of a formal Debate ; and wherethe Bill may be deliberately revised, and accommodated more exactly to the present Exigencies of the Nation.’

The Earl of *Winchelsea* spoke again as follows :

*My Lords,*

‘ The only Reason which has been urged for considering this Bill in a Committee, is the Necessity of gratifying the Merchants, and of shewing our Concern for the Prosperity of Commerce ; if therefore it shall appear that the Merchants are indifferent with regard to its Success, I hope it will be rejected without Opposition. E. of Winchelsea

‘ I was this Morning, my Lords, inform’d by a Merchant, who has many Opportunities of acquainting himself with the Opinions of the trading Part of the Nation, that they were fully convinc’d of the Impossibility of adapting fixed Rules to variable Exigencies ; or of establishing any certain Method of obviating the Chances of War, and defeating Enemies who were every Day altering their Schemes ; and declared that they had no Hopes of Security but from the Vigilance of a Board of Admiralty, solicitous for the Welfare of the Merchants and the Honour of the Nation.’

The Lord *Cholmondeley* spoke as follows :

*My Lords,*

‘ As three Clauses of this Bill have been universally given up, and almost all the rest plainly prov’d by the noble Lord to be either absurd or superfluous, I cannot see why it should not be rejected without the Solemnity of farther Consideration ; to which, indeed, nothing but the Title can give it any Claim. E. of Cholmondeley.

‘ The Title, my Lords, is indeed specious, and well fitted to the Design of gaining Attention and promoting Popularity ; but with this Title there is nothing that corresponds, nor is any Thing to be found but Confusion and Contradictions, which grow more numerous upon farther Search.

‘ That the whole Bill, my Lords, is unnecessary, cannot be denied, if it be considered that nothing is proposed in it which is not already in the Power of your Lordships, who may call at Pleasure for the Lists of the Navy, the Accounts of the Cruisers, the Dates of their Commissions, and the Journals of their Commanders ; as you did in the Sixth of

An. 16. Geo. II. Queen *Anne*, and detect every Act of Negligence or Treachery, and every Instance of Desertion or of Cowardice.

1742.

‘ Nothing is necessary to the Regulation of our Naval Force, but that your Lordships vigilantly exert that Power which is conferred upon you by the Constitution, and examine the Conduct of every Officer with Attention and Impartiality ; no Man then will dare to neglect his Duty, because no Man can hope to escape Punishment.

‘ Of this Bill therefore, since it is thus useless and inconsistent, I cannot but suspect, my Lords, that it was concerted for Purposes very different from those mentioned in the Title, which it has indeed no Tendency to promote. I believe, my Lords, the Projectors of it intended not so much to advance the Interest of the Merchants, as to depress the Reputation of those whom they have long taken every Opportunity of loading with Reproaches, whom they have censured as the Enemies of Trade, the Corrupters of the Nation, and the Confederates of *Spain*.

‘ To confirm these general Calumnies, it was necessary to fix on some particular Accusation, which might raise the Resentment of the People, and exasperate them beyond Reflection or Inquiry. For this Purpose nothing was more proper than to charge them with betraying our Merchants to the Enemy.

‘ As no Accusation could be more efficacious to inflame the People, so none, my Lords, could with more Difficulty be confuted. Some Losses must be suffered in every War, and every one will necessarily produce Complaints and Discontent ; every Man is willing to blame some other Person for his Misfortunes, and it was therefore easy to turn the Clamours of those whose Vessels fell into the Hands of the *Spaniards*, against the Ministers and the Commanders of the Ships of War.

‘ These Cries were naturally heard with the Regard always paid to Misfortune and Distress, and propagated with Zeal, because they were heard with Pity. Thus, in Time, what was at first only the Outcry of Impatience, was by malicious Artifices improved into settled Opinion ; that Opinion was diligently diffused, and all the Losses of the Merchants were imputed, not to the Chance of War, but the Treachery of the Ministry.

‘ But, my Lords, the Folly of this Opinion, however general, and the Falseness of this Accusation, however vehement, will become sufficiently apparent, if you examine that bulky Collection of Papers which are now laid before you ; from which you will discover the Number of your Fleets, the Frequency of our Convoys, the Stations of our Ships of War, and the Times of their Departure and Return ; you will

will find that no Provision for War, no Expedient likely to promote Success, has been neglected ; that we have now more Ships equipped than in the late War with *France* ; that nothing can be added to the Exactness with which our Maritime Force is regulated, and that there is not the least Reason to doubt of the Fidelity with which it has been employ'd.

An. 16 Geo. II.  
1742.

' In every War, my Lords, it is to be expected that Losses will be suffer'd by private Persons on each Side ; nor even in a successful War, can the Publick always hope to be enriched ; because the Advantage may arise not immediately from Captures, but consequently from the Treaties or Conditions in which a prosperous War may be supposed to terminate.

' What Concessions we shall in this War extort from the *Spaniards*, what Security will be procured for our Merchants, what Recompence will be yielded for our Losses, or what Extent will be added to our Commerce, it cannot yet be expected that any Man should be able to declare ; nor will his Majesty's Counsellors be required to give an Account of Futurity. It is a sufficient Vindication of their Conduct, and an Evident Proof of the Wisdom with which the War has been conducted, that we have hitherto gained more than we have lost.

' This, my Lords, will appear from a diligent and minute Comparison of the Captures on each Side, and an exact Computation of the Value of our Losses and our Prizes. It will be found that if the *Spaniards* have taken, as it is not improbable, a greater Number of Ships, those which they have lost have been far more wealthy.

' The Merchants indeed seem to have distrusted the Strength of the Evidence which they produced in Support of their Allegations, by bringing it only before the other House ; where, as an Oath could not be administered, every Man deliver'd what he believed as what he knew ; and indulged himself without Scruple in venting his Resentment, or declaring his Suspicions : A Method of Allegation very proper to scatter Reproaches and gratify Malevolence, but of very little Use for the Discovery of Truth.

' Had they come before your Lordships, every Circumstance had been minutely examin'd, every Assertion compar'd with other Evidence, all Exaggerations repress'd, and all foreign Considerations rejected ; each Part would have been impartially heard, and would have plainly been known to whom every Loss was to be imputed. The Negligence or Treachery of the Commanders of the Convoys, wherever it had been found, would have been punished, but they would not have charged them with those Miscarriages which were produced only by the Obstinacy or Inattention of the Masters of the trading Vessels.



An. 16. Geo. II.  
1742.

‘ Such Enquiries, my Lords, they appear to have thought it their Interest to decline, and therefore did not proceed on their Petition to this House ; and if they did in reality avoid a rigorous Examination, what can be inferred, but that they intended rather to offer Insinuations than Proofs, and rather to scatter Infamy than obtain Justice ?

‘ And that nothing was indeed omitted that could secure our own Commerce, or distress our Enemies, may reasonably be collected from the Number and great Strength of our Fleet, to which no Kingdom in the World can oppose an equal Force. If it has not been supplied with Sailors without some Delays, and if these Delays have given our Enemies an Opportunity of adding to their Securities, of fortifying their Ports, and supplying their Magazines, it must be ascribed to the Nature of our Constitution, that forbids all compulsory Methods of augmenting our Forces ; which must be consider’d as perhaps the only Inconvenience to be thrown into the Balance against the Blessings of Liberty.

‘ The Difficulty of manning our Ships of War is indeed extremely perplexing. Men are naturally very little inclined to subject themselves to absolute Command, or to engage in any Service without a Time limited for their Dismission. Men cannot willingly rush into Danger without the Prospect of a large Advantage ; they have generally some Fondness for their present State of Life, and do not quit it without Reluctance. All these Reasons, my Lords, concur to withhold the Sailors from the Navy, in which they are necessarily governed with higher Authority than in trading Vessels, in which they are subjected to Punishments, and confined by strict Regulations, without any certain Term of their Bondage ; for such they, who know not the Necessity of Subordination, nor discover the Advantages of Discipline, cannot but account Subjection to the Will and Orders of another.

‘ By serving the Merchants, they not only secure to themselves the Liberty of changing their Masters at Pleasure, but enjoy the Prospect of a near and certain Advantage ; they have not indeed any Expectations of being suddenly enriched by a Plate Ship, and of gaining by one Engagement such Wealth as will enable them to spend the rest of their Lives in Ease and Affluence ; but they are sure of a speedy Payment of their Wages, perhaps of some Profits from petty Commerce, and of an Opportunity of squandering them at Land in Jollity and Diversions ; their Labour is chearful because they know it will be short, and they readily enter into an Employment which they can quit when it shall no longer please them.

‘ These Considerations, my Lords, have no Influence upon

upon the Preparations of *France* and *Spain*, where no Man is Master of his own Fortune, or Time, or Life; and where the Officers of the State can drive Multitudes into the Service of the Crown, without regard to their private Views, Inclinations or Engagements. To man a Fleet, nothing is necessary but to lay an Embargo on the trading Vessels, and suspend their Commerce for a short Time; therefore no Man dares refuse to enter into the publick Service when he is summoned; nor if he should fly, as our Sailors, from an Impress, would any Man venture to shelter or conceal him.

An. 16 Geo. II.

1742.

Absolute Monarchs have therefore this Advantage over us, that they can be sooner prepared for War, and to this must be ascribed all the Success which the *Spaniards* have obtained. This, my Lords, will not be obviated by the Bill now before us, nor will it indeed procure any other Benefit to the Trade, or any Addition to the Power of the Nation.

Of the ten Clauses comprised in the Bill, the greatest Part is universally allow'd to be injudiciously and erroneously proposed; and those few which were thought of more Importance, have been shewn to contain no new Expedients, nor to add any Thing to the present Regulations.

I cannot therefore discover any Reason, my Lords, that should induce us to refer to a Committee this Bill, of which Part is confessedly to be rejected, and the rest is apparently superfluous.

Then the same was rejected, on a Division, Content 25, The Navigation Bill rejected.  
Not-Content 59.

June. 3. The Lords read a third Time, and passed without Amendment, a Bill from the Commons, *To exclude certain Officers from being Members of the House of Commons*: Also the Bill *To prevent the counterfeiting Gold and Silver Lace*: Also the Bill *To empower Justices of Peace to commit Offenders to the House of Correction*. Read a first Time the Bill *For punishing Persons taking Fish out of Ponds, and Deer out of Parks*.

June 10. The Lords read a first Time the Bill *For granting to his Majesty 800,000 l. to be raised by Annuities chargeable on the Sinking Fund*: Also the Bill *To prevent Cloth or Woollen Goods from being stolen in the Night-Time*.

Several Bills read.

June 22. The Lords put off for a Month the Report from the Committee on the Bill against stealing Fish, &c. Also the Bill against the Escape of Prisoners, and ordered the Judges to prepare two other Bills instead thereof.

June 29. The Lords read a third Time, and pass'd the Bill *To prevent the Marriage of Lunatics*. Read a first Time, the Bill *For granting an additional Duty on Foreign Com-*

An. 16. Geo. II.  
1742.

*Cambricks imported, and allowing a Bounty on the Exportation of British or Irish Linens.*

June 30. Read a third Time, and pass'd the Bill for continuing several expiring Laws; also the Sheep-stealing Bill; a Bill to prevent counterfeiting the Coin; also a Bill for regulating the Plantation Trade.

Alterations in  
the Peerage.

The latter End of this Month died the Rt. Hon. *Edward Lord Griffin*; the Title extinct. About the same Time Dr. *Glagget*, Bishop of *St. David's*, was translated to the Bishoprick of *Exeter*, vacant by the Death of Dr *Weston*; in which he was succeeded by Dr *Edward Willes*.

July 6. The Lords read a first Time the Bill to continue several Laws for the Encouragement of British made Sail-Cloth.

July 7. A Bill For granting an additional Duty on Foreign *Cambricks*, &c. was read the third Time and pass'd: Also read a first Time a Bill from the Commons, To explain and amend the Laws touching the Elections of Members, and to restrain the Partiality and regulate the Conduct of Returning Officers.—But it never came to a second Reading.

Preferments and  
Removals.

The same Day the Rt. Hon. *Richard Lord Viscount Cobham* was declared Field Marshal of all and singular his Majesty's Forces; and was also appointed Captain and Colonel of the first Troop of Horse Grenadier Guards.

On the 12th of July the Right Hon. *John Lord Gower* was appointed Keeper of his Majesty's Privy Seal, in the Room of *John Lord Hervey*, who resign'd; also appointed Lord Lieutenant of the County of *Stafford*, and sworn of the Privy Council.—*William Pulteney*, Esq; was created Baron of *Heydon*, Viscount *Pulteney* of *Wrington*, and Earl of *Bath*.—*Allen Lord Bathurst* was appointed Captain of his Majesty's Band of Gentlemen Pensioners, in the room of *Charles Duke of Bolton*, and sworn of the Privy Council.—*Charles Duke of Bolton* appointed Governor of the Isle of *Wight*, and of *Carisbrook Castle*, and the Fortifications thereunto belonging, in the said Isle; also made Warden of the New Forest in *Hampshire*.—Lord *Delawar* appointed Master-Forester of *Frithan* in the said Forest.

The Parliament  
prorogu'd.

On the 15th the Earl of *Bath* took his Seat in the House of Peers. The same Day the King put an End to the Session with a most gracious Speech \*: Then the Lord Chancellor, by his Majesty's Command, prorogued the Parliament to the 16th of September.

\* See the Speech at large in CHANDLER's History of the House of Commons, Vol. XIII. p. 273.

THE  
HISTORY and PROCEEDINGS  
OF THE  
HOUSE of LORDS,

DURING THE  
SECOND SESSION of the THIRD  
PARLIAMENT of KING  
GEORGE II. held in the Years  
1742, and 1743.

CONTAINING  
The most Remarkable MOTIONS, SPEECHES,  
DEBATES, ORDERS and RESOLUTIONS.

WITH  
All the PROTESTS,  
AND THE  
Numbers *Pro* and *Con* upon each Division.

Also, an Account of  
The Promotions of the several PEERS, and the Altera-  
tions in the PEERAGE.  
Connected with the Transactions of the COMMONS, and  
the HISTORY of the TIMES.

AND  
Illustrated with HISTORICAL NOTES and OBSERVATIONS,  
*To which are added proper INDEXES.*

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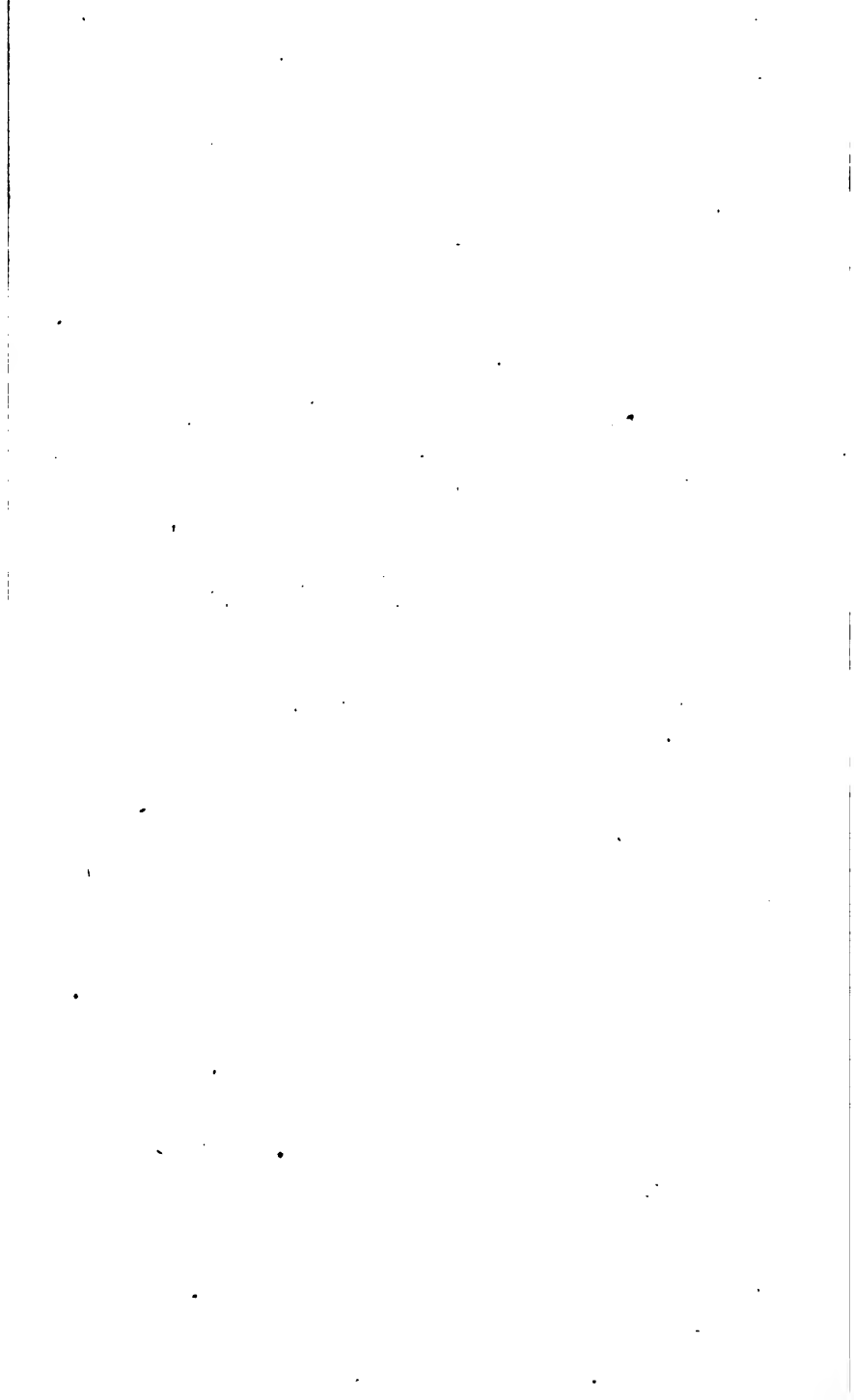
VOLUME VIII. PART II. from the RESTORATION.

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L O N D O N :

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M, DCC, XLIV.





T H E  
C O N T E N T S  
O F T H E  
Second P A R T,  
O F T H E  
Eighth V O L U M E.

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An. 16. Geo. II. to this Bill, of which I am still convinced that it will produce nothing but Embarrassment, Losses and Disgrace.

1742.

‘ The Necessity of gaining and preserving the Esteem of the People I very willingly allow ; but am of Opinion, that though it may sometimes be gained by flattering their Passions, and complying with their Importunities, by false Appearances of Relief, and momentary Alleviations of their Grievances, it is only to be preserved by real and permanent Benefits, by a steady Attention to the great Ends of Government, and a vigorous Prosecution of the Means by which they may be obtained, without Regard to present Prejudices or temporary Clamours.

‘ I believe, my Lords, it will always be found that it is dangerous to gratify the People at their own Expence, and to sacrifice their Interest to their Caprices ; for I have so high a Veneration for their Wisdom, as to pronounce without Scruple, that however they may for a Time be deceived by artful Misrepresentations, they will at length learn to esteem those most who have the Resolution to promote their Happiness in Opposition to their Prejudices.

‘ I am therefore confident, my Lords, of regaining the Popularity which I may lose, by declaring once more that this Bill ought to be rejected ; since no Endeavours shall be wanting to shew how little it is necessary, by an effectual Protection of every Part of our Trade, and a diligent Provision for the naval Service.’

Then the Duke of *Bedford* spoke as follows ;

*My Lords,*

D. of Bedford.

‘ I am convinced that this Bill is very far from being either absurd or useless ; nor can I imagine that they, by whom it was drawn up, could fail of producing some Expedients that may deserve Consideration.

‘ It is probable that a farther Inquiry may shew the Propriety of some Clauses, which at present appear most liable to Censure ; and that if we reject this Bill thus precipitately, we shall condemn what we do not fully comprehend.

‘ No Clause appeared to me more unworthy of the Judgment and Penetration of the Merchants than the last, nor was there any which I should have rejected at the first Perusal with less Regret ; yet, having taken this Opportunity of considering it a second Time, I find it by no means indefensible ; for the Direction of Ships stationed for the Defence of our *West India* Territories, is not committed to the Governors alone. The Council of each Province is join’d with them in Authority, by whom any private Regards may be overborne, and who cannot be supposed to concur in any Dis-

rections

rections, which will not promote the general Interest of the Colony. An. 16. Geo. II.  
1742.

‘ I doubt not, my Lords, but other Clauses have been equally mistaken, and therefore think it necessary to consider them in a Committee, where every Lord may declare his Sentiments, without the Restraint of a formal Debate ; and wherethe Bill may be deliberately revised, and accommodated more exactly to the present Exigencies of the Nation.’

The Earl of *Winchelsea* spoke again as follows :

*My Lords,*

‘ The only Reason which has been urged for considering this Bill in a Committee, is the Necessity of gratifying the Merchants, and of shewing our Concern for the Prosperity of Commerce ; if therefore it shall appear that the Merchants are indifferent with regard to its Success, I hope it will be rejected without Opposition. E. of Winchelsea

‘ I was this Morning, my Lords, inform’d by a Merchant, who has many Opportunities of acquainting himself with the Opinions of the trading Part of the Nation, that they were fully convinc’d of the Impossibility of adapting fixed Rules to variable Exigencies ; or of establishing any certain Method of obviating the Chances of War, and defeating Enemies who were every Day altering their Schemes ; and declared that they had no Hopes of Security but from the Vigilance of a Board of Admiralty, solicitous for the Welfare of the Merchants and the Honour of the Nation.’

The Lord *Cholmondeley* spoke as follows :

*My Lords,*

‘ As three Clauses of this Bill have been universally given up, and almost all the rest plainly prov’d by the noble Lord to be either absurd or superfluous, I cannot see why it should not be rejected without the Solemnity of farther Consideration ; to which, indeed, nothing but the Title can give it any Claim. E. of Cholmondeley.

‘ The Title, my Lords, is indeed specious, and well fitted to the Design of gaining Attention and promoting Popularity ; but with this Title there is nothing that corresponds, nor is any Thing to be found but Confusion and Contradictions, which grow more numerous upon farther Search.

‘ That the whole Bill, my Lords, is unnecessary, cannot be denied, if it be considered that nothing is proposed in it which is not already in the Power of your Lordships, who may call at Pleasure for the Lists of the Navy, the Accounts of the Cruisers, the Dates of their Commissions, and the Journals of their Commanders ; as you did in the Sixth of



- to the Borough of Weymouth, p. 279. *Against the Bill for quieting Corporations*, p. 302.
- Hervey, Lord, *For discharging the Hanover Troops in British Pay*, p. 60. *Against retailing Spirituous Liquors*, p. 144, 208, 216, 238, 255, 257.
- Ilay, Earl of, *For retailing Spirituous Liquors*, p. 206, 211, 250. *Against the Bill for quieting Corporations*, p. 322.
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- Tweeddale, Marquis of, *For the Address of Thanks for the King's Speech*, p. 3.
- Westmoreland, Earl of, *Against the Motion for the above Address*, 23.

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The following LORDS enter'd their *Dissent*  
 against the Bill, *For Licensing Spirituous*  
*Liquors.*

**T**HE Archbishop of *Canterbury*, the Duke of  
*Beaufort*; the Earls of *Aylesford* and *Stanhope*;  
 the Bishops of *London*, *St. Asaph*, *Chichester*, *Norwich*,  
*Gloucester*, *Oxford*, *Exeter*, *Bristol*, *Salisbury*; and the  
 Lords *Romney* and *Gower*, p. 271.





T H E  
H I S T O R Y  
A N D  
P R O C E E D I N G S  
O F T H E  
H o u s e o f L O R D S,  
W I T H T H E  
D E B A T E S a n d P R O T E S T S t h e r e i n.  
D U R I N G  
T h e S E C O N D S E S S I O N o f t h e T H I R D  
P A R L I A M E N T o f K i n g G E O R G E I I.



I S Excellency the Earl of *Stair*, who was ap-  
pointed Minister Plenipotentiary to the States  
General, in *March* last, arrived here on  
the 28th of *August* from *Holland*, and wait-  
ed on his Majesty : The next Day the Privy Council  
was summon'd ; and on the 3d of *Holland*.

An. 16. Geo. II.  
1742.

The Earl of  
*Stair* sets out for  
Council was summon'd ; and on the 3d of *Holland*.

*September* his Lordship set out on his Return.

The latter End of *September* the Lord *Carteret*, one of As also Lord  
his Majesty's Principal Secretaries of State, was sent on *Carteret*.  
a Commission to the *Hague* ; and soon after his Lord-

An. 16. Geo. II. ship return'd and waited upon the King ; whereupon the Baggage of his Majesty, and his Royal Highness the Duke, which had been shipp'd for *Flanders*, were brought back.

1742.

On the 16th of *November* the Parliament, pursuant to several Prorogations, met at *Westminster*, and his Majesty open'd the Session with the following Speech :

“ *My Lords, and Gentlemen,*

The King's  
Speech at open-  
ing the second  
Session.

“ **T**H E present important Conjunction of Affairs will, I am persuaded, be thought a sufficient Reason for calling you thus early together.

“ I have, in Pursuance of the repeated Advice of my Parliament, taken such a Part as appeared to me most conducive to the Support of the House of *Austria*, and to the restoring and securing the Balance of Power. In this View, I order'd a considerable Body of Troops to be sent from hence into *Flanders* ; and, at the Close of the last Session, I foresaw, and pointed out to you, that it might be incumbent upon me, to enter into further Measures for the same great and desirable Ends. The Augmentation of our Strength in the *Low Countries* became a necessary Step ; for which Purpose I sent, in Concert with my Allies, Sixteen Thousand of my Electoral Troops thither, with the *Hessians* in the *British* Pay, in order to form such a Force, in Conjunction with the *Austrian* Troops, as might be of Service to the common Cause in all Events ; and I doubt not but I shall have your Assistance in the Support of these necessary Measures.

“ The Magnanimity and Firmness of the Queen of *Hungary*, notwithstanding so many numerous Armies sent against her ; the resolute Conduct of the King of *Sardinia*, and his strict Adherence to his Engagements, though attack'd in his own Dominions ; the Stop which has been hitherto put to the ambitious Designs of the Court of *Spain* in *Italy*, (to which the Operations of my Fleet, in the *Mediterranean*, have so visibly contributed ; ) the Change of Affairs in the *North*, which has appeared by the publick Requisition, made by *Sweden*, of my good Offices, for procuring a Peace between *Russia* and that Crown ; and the defensive Alliance agreed upon, not only between me and the *Czarina*, but also between me and the King of *Prussia* ; are Events, which could not have been expected, if *Great Britain* had not shewn a reasonable Spirit and Vigour, in Defence and Assistance of its antient Allies, and in the Maintenance of the Liber-

“ ties

" ties of *Europe*, as well as of its own true, and lasting Interest. An. 16. Geo. II.

1742.

" *Gentlemen of the House of Commons,*

" I have ordered the proper Estimates for the Service of the ensuing Year to be prepared, and laid before you, and also an Account of the Expence of those particular Services, which I have already mentioned, and which you will find to have been concerted in as frugal a Manner, as the Nature of them would admit. I am persuaded, that you will readily grant me such Supplies, as shall be found necessary for the Security and Welfare of the Nation, requisite for the Support of the common Cause, and adequate to the present Emergency.

" *My Lords and Gentlemen,*

" The Importance of your Deliberations at this Time is so evident, that I will say nothing to enforce it. The Honour and Interest of my Crown and Kingdoms ; the Success of the War, wherein I am engaged against *Spain* ; and the Re-establishment of the Balance and Tranquillity of *Europe*, will greatly depend on the Prudence and Vigour of your Resolutions. Let it be your Care to avoid every Thing that may either delay or weaken them ; and to convince the World, that you are determined to make a right Use of the present Opportunity."

The King being withdrawn, the Marquess of *Tweeddale*\* stood up, and spoke to the following Effect :

*My Lords,*

" It is not without the highest Satisfaction, that every Lover of Mankind must look upon the Alterations that have lately been produced in the State of *Europe* ; nor can any Briton forbear to express an immediate and particular Pleasure to observe his Country rising again into its former Dignity, to see his own Nation shake off Dependence, and rouse from Inactivity, cover the Ocean with her Fleets, and awe the Continent with her Armies, bid once more Defiance to the rapacious Invaders of neighbouring Kingdoms, and the daring Projectors of universal Dominion, once more exert her Influence in foreign Courts, and raise another Confederacy against the Power of *France*.

" The Queen of *Hungary*, who was lately obliged to retire at the Approach of her Enemies, to leave *Vienna* in

1742

P 2

Danger

\* Appointed Secretary of State for Scotland in February, 1741 ; and unanimously elected one of the Sixteen Peers in April, 1742, on the Death of the Earl of Hopton.

An. 16. Geo. II.  
1742

Danger of a Siege, and seek Shelter in the remotest Corner of her Dominions, who was lately so harrassed with Invasions, and encircled with Dangers, that she could scarce fly from one Ravager, without falling into the Hands of another, is now able to give Laws to her Persecutors, to return the Violence which she has suffered, and instead of imploring Mercy from those, who had no Regard but to their own Interest, and were determined to annihilate her Family and divide her Dominions, now sits in full Security on her Throne, directs the March of distant Armies, and dictates the Terms, on which those who have enter'd her Dominions shall be suffered to escape.

' Such, my Lords, is the present State of the *German* Empire, nor have the Affairs of the rest of *Europe* been less changed; the Power of the House of *Bourbon* has been diminished on every Side, its Alliance has been rejected, and its Influence disregarded.

' The King of *Sardinia* has openly engaged to hinder the *Spaniards* from erecting a new Kingdom in *Italy*, and tho' he has hitherto been somewhat embarrassed in his Measures, and oppressed by the Superiority of his Enemies, has at least by preventing the Conjunction of the *Spanish* Armies, preserved the *Austrians* from being overwhelmed. Nor can the Situation of his Dominions and the Number of his Forces, suffer us to doubt but that in a short Time he will be able entirely to secure *Italy*, since he has already recovered his Country, and drove back the *Spaniards* into the Bosom of *France*.

' The Condition of the other *Spanish* Army is such, as no Enemy can wish to be aggravated by new Calamities. They are shut up in a Country without Provisions, or of which the Inhabitants are unwilling to supply them. On one Side are neutral States, to which the Law of Nations bars their Entrance; on another the *Mediterranean* Sea, which can afford them only the melancholy Prospect of hostile Armaments, or sometimes of their own Ships falling into the Hands of the *English*; behind them are the Troops of *Austria* ready to embarrass their March, intercept their Convoys, and receive those whom Famine and Despair incite to change their Masters, and to seek among foreign Nations that Ease and Safety, of which the Tyranny of their own Government, and the Madness of their own Leaders has deprived them. Such is their Distress, and so great their Diminution that a few Months must compleat their Ruin; they must be destroyed without the Honour of a Battle, they must

must sink under the Fatigue of hungry Marches, and be at length devoured by those Diseases, which Toil and Penury will inevitably produce. An. 16 Geo. II.  
1742.

‘ That the Diminution of the Influence of the House of *Bourbon* is not an empty Opinion, which we easily receive, because we wish it to be true ; that other Nations likewise see the same Events with the same Sentiments, and prognosticate the Decline of that Power which has so long intimidated the Universe, appears from the Declaration now made by his Majesty of the Conduct of the *Swedish* \* Court.

‘ That Nation which was lately governed by the Counsels, and glutted with the Bounties of *France*, which watched the Noil of her mighty Patroness, and made War at her Command against the *Russian* Empire, now begins to discover that there are other Powers more worthy of Confidence and Respect, more careful to observe their Engagements, or more able to fulfil them. She therefore requests the *British* Monarch to extricate her from those Difficulties, in which she is entangled by a blind Compliance with *French* Dictates, to restore to her the Dismembered Provinces, and recal that Enemy which now impends over her Capital, and whom the *French* have neither Interest to appease nor Strength to resist.

‘ Such, my Lords, is the present Prospect which offers itself to him who surveys *Europe* with a political View, and examines the present Interest and Dispositions of neighbouring Potentates : Such is the Order which has been produced from general Confusion, and such the Re-establishment of equal Power, which has succeeded these Concussions of *Europe*.

‘ It is no small Addition to the Pleasure which this Change must afford every Man, who has either Wisdom to discover his own Happiness, or Benevolence to rejoice in that of others, that it has been the Effect not of Chance but of Conduct, that it is not an unforeseen Event produced by the secret Operation of Causes furiously concurring, but the Result of a political and just Design well concerted and steadily pursued ; that every Advantage which has been gained is the Consequence of Measures laid to obtain it, that our Happiness has been procured by Prudence, and that our Counsels have not been lucky but wise.

‘ If we reflect, my Lords, upon the Causes which have contributed to the Rescue of *Europe* from impending Slavery,

\* By a Paragraph in the Gazette, the Court of Sweden had made a publick Requisition of his Majesty's good Offices.



An. 16. Geo. II.  
1742.

which have re-established the Queen of *Hungary* in her Dominions, enabled her to lay waste the Territories of her Invaders, confirm'd her Friends to their Fidelity, and intimidated those whom rival Interests inclined to wish her Fall, or the Hope of sharing in the Plunder had incited to form Designs against her. If we enquire to what it is to be ascribed, that she is able to form new Alliances, and defend her Dominions with Confederate Armies, we shall find it easy to trace all these Revolutions to one Cause, the steady and prudent Conduct of the King of *Great Britain*.

Our Sovereign, my Lords, has looked on the Troubles of *Europe* with that Concern which publick Virtue inspires; he has seen the Sufferings of this illustrious Princess with that Compassion, which is always due to Magnanimity oppressed, and formed Resolutions for her Assistance with that Ardour, which Courage naturally kindles; but with that Caution likewise and Secrecy which Experience dictates. But he remember'd, my Lords, that though he was the Friend of the Queen of *Hungary*, he was to consider himself as the Father of the People of *Great Britain*, that he was not to exhaust the Forces of this Nation in Romantick Expeditions, or exhaust its Treasures in giving Assistance which was not needed.

He therefore waited to observe the Event of the War, and to discover, whether the incessant Struggles of the *Aussrians* would be able to throw off the Load, with which they were oppressed; but he found that their Spirit, however ardent, could not supply the Want of Strength; he found that they were fainting under insuperable Labours, and that though they were in no Danger of being conquered by the Valour of their Enemies, they must in a short Time be wearied out by Numbers.

His Majesty then knew, my Lords, that by sending them speedy Assistance, he at once promoted the Interest of his People, and gratified his own Inclinations: He therefore supplied the Queen with such Sums as enabled her to levy new Forces, and drive her Enemies before her. By procuring a Reconciliation with the King of *Prussia*, he freed her from the nearest and most formidable Danger, and gave her an Opportunity to secure herself against the Menaces of other Powers.

But though she was set free from domestick Dangers, though Invasion was driven from her Capital, tho' Captivity no longer pursued her Flight, nor Usurpation hovered over her Throne, her more distant Dominions were still a Prey to her Enemies. The *Spaniards* had already landed  
one

one Army in *Italy*, which another was hastening to join. The Success of this Enterprize, which would have gained the greatest Part of *Italy*, could only be hindered by the King of *Sardinia*, who was therefore solicited by the *Spaniards* and *French* to favour their Design, with the strongest Protestations and the most magnificent Promises. But these were over-balanced by the Influence of the King of *Great Britain*, whose Name was of sufficient Importance to make the weaker Part most eligible, and to counterbalance the Force of immediate Interest.

Thus was the Passage into *Italy* barred against the *Spaniards*, by Obstacles which they can never surmount, while their other Army is besieged by our Fleet and by the *Austrians*; and reduced, instead of conquering Kingdoms, to change their Camp, and regulate their Marches, with no other View than to avoid Famine. While that Prince, whose Dominions might most commodiously afford them Succour, and whom all the Ties of Nature and of Interest oblige to assist them, is awed \* by the *British* Ships of War, which lie

\* The following Article appear'd in the Gazette.

Whitehall, Sept. 4. By a Letter of the 10th of August, receiv'd the 2d Instant from Edward Allen, Esq; his Majesty's Consul at Naples, to his Grace the Duke of Newcastle, there is Advice, that on Sunday Morning, the 19th of August, a Squadron of his Majesty's Ships, consisting of the Ipswich, Capt. William Martin, Commodore; the Panther, Capt. Gideon; the Oxford, Captain Pawlett; the Feverham, Capt. Hughs; and the Dursley Galley Capt. De l'Angle; four Bomb Vessels and four Tenders, appear'd in the Bay of Naples; and some Hours before they came to an Anchor before the Town (which was about Four in the Afternoon) the Duke of Montecallegre sent to his Majesty's Consul, to desire him to go aboard the Commodore, to know whether they came as Friends or Enemies, the Appearance seeming, as he said, hostile; but that his Sicilian Majesty would be glad to receive them as Friends, desiring nothing more than the Amity of his Britannick Majesty. The Consul upon that went on Board the Commodore, who communicated to him the Purport of the Order he had received from Vice Admiral Matthews, and a Message to be deliver'd in the King's Name to his Sicilian Majesty, which was, that his Britannick Majesty being in Alliance with the Queen of Hungary and the King of Sardinia, and the King of the two Sicilies having join'd his Forces with those of Spain, in declar'd War with England, to invade the Queen of Hungary's Dominions, contrary to all Treaties, he, the Commodore, was sent to demand, that the King of the two Sicilies should not only forthwith withdraw his Troops from acting in Conjunction with those of Spain, but that his Sicilian Majesty should promise not to give them any further Assistance of any Kind whatever.

Capt. De l'Angle, of the Dursley Galley, was charged with this Message, and the Commodore desired the Consul to accompany the Captain to be his Interpreter. They went to the Secretary's Office at five of the Clock. The King was then at Church, and was not to return till Six. But the Duke of Montecallegre received the Message, and told them, that when the King returned he would give the Answer.

Ac-

An. 16. Geo. II 1742. lye at Anchor before his Metropolis, and of which the Commanders, upon the least Suspicion of Hostilities against the Queen of Hungary, threaten to batter his Palaces, and destroy his City.

‘ In this Manner, my Lords, has the King of *Great Britain* assisted the House of *Austria* with his Treasures, his Influence, and his Navy ; thus does he subdue some Enemies, and restrain others ; thus does he hold the Balance of the War,

‘ Accordingly at Eight the Duke of Monteleagre came from the King in Council, and told them the Demand would be complied with, and in Writing, as required ; but desired to have some Answer also in Writing, importing, that upon the said Compliance no Hostilities should be committed on their Side. They then returned on Board with General Bourke, who was sent from his Sicilian Majesty to desire this of the Commodore ; but he said his Orders were absolute, and did not authorise him to give any Answer, but that he expected a Compliance in half an Hour’s Time, or at farthest, an Hour, after the Consul and Captain’s being on Shore. The Duke of Monteleagre then desired that he might insert in his Letter, That upon the Consul and Captain’s Assurances by Word of Mouth, that no Hostilities should be committed, his Sicilian Majesty did promise, &c. Capt. De l’Angle desired the Consul to tell the Duke, that he apprehended the Commodore would not be satisfied with that Condition ; upon which the Duke desired the Consul to assure the Commodore, that if he objected to it, it should be left out, and that the Substance of the Letter being fully what was required, he hoped it would be sufficient for that Night. It was two Hours past Midnight when the Consul return’d on Board, and the Commodore was so far satisfied, as to promise he would not commence any Hostilities, upon the Assurances given him by the Consul, that any Thing he objected to in the Form would be altered ; and accordingly in the Morning, another Letter was wrote in the exact Words required, and upon the Receipt of it, the Commodore ordered all the Ships to prepare for sailing, and they were under Sail before Night, and out of Sight the next Morning, the 21<sup>st</sup>, N. S. having been only 24 Hours at Anchor in the Bay. The whole City was in the greatest Alarm and Consternation imaginable during the said Negotiation.

‘ The following is a Translation of the Letter abovementioned, written by the Duke of Monteleagre to Commodore Martin.

“ Sir, Naples, Aug. 20, N. S.  
 “ The King had already resolved, and given Orders, that his Troops, which are joined with those of Spain, should withdraw, in order to the Defence of his own Dominions. His Majesty commands me to promise you, in his Name, that he will forthwith repeat his Orders, that his Troops, withdrawing from the Romagna, where they are at present, shall immediately return into this Kingdom, and that he will not, in any Manner whatsoever, either aid or assist those of Spain any more in the present War in Italy.

Signed,

“ To Capt Wm Martin,  
 “ Commander of the  
 “ English Squadron,

The Marq. of Salas.  
 D. of Monteleagre.

War, and thus does he add the Weight of Power to the Scale of Justice. An. 16. Geo. II.  
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But to secure the Success that has been already obtained, and to take from the Enemies of Liberty all Hopes of recovering the Advantages which they have lost, he has now no longer confined his Assistance to Negotiations and pecuniary Supplies. He knows that Alliances are always best observed when they confer Security, or produce manifest Advantage, and that Money will not always be equivalent to Armies. He has therefore, now acted openly in Defence of his Ally, has filled *Flanders* † once more with *British* Troops, and garrisoned the Frontier Towns with the Forces of that Nation by which they were gained. The Old Soldier now sees once more the Plains, over which he formerly pursued the Squadrons of *France*, points the Place where he seiz'd the Standards, or broke the Lines, where he trampled the Oppressors of Mankind, with that Spirit which is enkindled by Liberty and Justice. His Heart now beats once more at the Sight of those Walls, which he formerly storm'd, and he shows his Wounds, which he received in the Mine or on the Breach. The *French* now discover, that they are not yet Lords of the Continent, and that *Great Britain* has other Armies ready to force once more the Passes of *Schellenburg*, to wrest from them the Sceptre of universal Monarchy, and to confine them again to their own Dominions.

To the *British* Regiments his Majesty has join'd a large Body of the Forces of his own Electorate \*, without Regard to the Danger which may threaten his Dominions in the Absence of his Troops, having no other View than to secure the publick Tranquility at whatever Hazard of his own, and being convinced that private Interest is most effectually secured by a steady Attention to general Good.

These Measures, my Lords, undoubtedly demand our Gratitude and Applause. Gratitude is always due to favourable

† On the 24th of April the following Forces were embark'd for *Flanders* with all Expedition. [ Horse. ] The Third and Fourth Troops of Guards; the second Troop of Grenadier Guards; the King's Regiment; and Legionier's. [ Dragoons. ] Honeywoods; Campbell's; Hawley's; Cadogan's; Rich's. [ Foot ] Three Battalions of Guards; Howard's; Cornwallis's; Duroure's; Pultney's; Campbell's; Peers's; Handasyd's; Husk's; Bragg's; Ponsonby's; Johnson's, and Bligh's. To be commanded by the following General Officers; Field Marshal, Earl of Stair, Commander in Chief. [ Lieutenants General. ] Honeywood ( to have the Command till the Earl of Stair's Arrival ) Earl of Dunmore, and Campbell. [ Majors General. ] Howard, Cope, Legionier, Hawley, and Earl of Albemarle. [ Brigadiers. ] Cornwallis, Earl of Effingham, Pultney, Bragg, Huske, and Ponsonby.

\* Sixteen Thousand Men.

An. 16. Geo. II.

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able Intentions and diligent Endeavours, even when those Intentions are frustrated and those Endeavours defeated; and Applause is often paid to Success, when it has been merely the Effect of Chance, and been produced by Measures ill adapted to the End, which was intended by them. But surely, when just Designs have been happily executed, when wise Measures are bless'd with Success, neither Envy nor Hatred will dare to refuse their Acclamations; surely those will at least congratulate, whom the Corruption of their Hearts hinders from rejoicing, and those who cannot love will at least commend.

‘ Here, my Lords, I suspect no Inclination to depreciate the Happiness that we enjoy, or to calumniate that Virtue by which it has been obtained; and therefore doubt not but your Lordships will readily concur in the reasonable Motion which I have now to offer; ‘ That an humble Address ‘ be presented to his Majesty, to return him the Thanks of ‘ this House, for his most gracious Speech from the ‘ Throne: To declare our just Sense of his Majesty’s great ‘ Care and Vigilance for the Support of the House of *Austria*, and for restoring and securing the Balance of Power: ‘ To acknowledge his Majesty’s great Wisdom and Attention to the publick Welfare, in sending so considerable a ‘ Body of his Forces into the *Low Countries*, and in ‘ strengthening them with his Electoral Troops, and the ‘ *Hessians* in *British* Pay; and thereby forming such an Army as may defend and encourage those Powers, who are ‘ well intention’d, and give a real Assistance to the Queen of ‘ *Hungary*; and to assure his Majesty of the Concurrence and ‘ Support of this House in this necessary Measure: To express our Satisfaction in the good Effects, which the Vigour ‘ exerted by *Great Britain* in assisting its ancient Allies, and ‘ maintaining the Liberties of *Europe*, hath already had on ‘ the Affairs of the Queen of *Hungary*, and on the Conduct ‘ of several Powers, and our Hopes that a steady Perseverance in the same Measures, will inspire the like Spirit and ‘ Resolution into other Powers, equally engag’d by Treaties ‘ and common Interest, to take the like Part: To give his ‘ Majesty the strongest Assurances, that this House has the ‘ Honour and Safety of his Majesty, the true Interest and ‘ Prosperity of his Kingdoms, the Security and Advancement ‘ of their Commerce, the Success of the War against *Spain*, ‘ and the Re-establishment of the Balance and Tranquility of ‘ *Europe* entirely at Heart; That these shall be the great ‘ and constant Objects of our Proceedings and Resolutions, ‘ this House being determin’d to support his Majesty in all ‘ just

'just and necessary Measures for attaining those great and  
'desirable Ends, and to stand by and defend his Majesty,  
'against all his Enemies.'

An. 16. Geo. H.

1742.

He was seconded by Lord Mountfort \*:

*My Lords,*

'The Motion offer'd by the noble Lord, is in my Opinion  
so proper and just, so suitable to the Dignity of this Assem-  
bly, and so expressive of the Gratitude which the Vigilance  
of his Majesty for the public Good, ought to kindle in every  
Heart not chill'd by ungenerous Indolence, or harden'd by  
inveterate Disaffection, that I cannot discover any Reason  
for which it can be opposed; and therefore hope that every  
Lord will concur in it with no less Alacrity and Zeal than I  
now rise up to second it.'

Lord Mountfort.

'It may indeed naturally be hoped from this House, that  
his Majesty's Measures will be readily approved, since they  
are such as even Malice and Faction will not dare to censure  
or oppose, such as Calumny will not venture to defame, and  
such as those who will not praise them can never mention.  
If it be allow'd, that the Interest of *France* is opposite to that  
of *Great Britain*, that the Equipoise of Power on the Conti-  
nent is to be preserv'd; if any of the Counsels of our An-  
cestors deserve our Attention, if our Victories at *Creffy* or at  
*Ramilles* are justly celebrated by our Historians, the Wisdom  
of our Sovereign's Conduct cannot be denied.'

'The *French*, my Lords, whom our Armies in the Reign  
of Queen *Anne*, saw flying before them, who, from dividing  
Kingdoms and prescribing Laws to Mankind, were reduced  
to the Defence of their own Country, who were driven from  
intrenchment to Intrenchment, and from one Fortification  
to another, now grown insolent with the Pleasures of Peace  
and the Affluence of Commerce; have forgotten the Power  
by which their Schemes were baffled, and their Arrogance  
repressed, by which their Fabrick of universal Monarchy  
was shatter'd, and themselves almost buried in the Ruins.'

'Infatuated with the Contemplation of their own Forces,  
elated with the Number of their Troops, the Magnificence of  
their Cities, and the Opulence of their Treasury, they have  
once more imagin'd themselves superior to Resistance, and  
again aspire to the Command of the Universe; they have now  
for some Time assum'd the haughty Stile of the Legislators  
of Mankind; and have expected, that Princes should appeal  
to them as to the highest human Tribunal, and that Nations  
should

\* So created upon the Dissolution of the last Parliament, being before  
Knight of the Shire for Cambridge.

An. 16. Geo. II.  
1742

should submit their Claims to their Arbitration ; they have already assumed the Distribution of Dominions, and expect that neither Peace shall be concluded, nor War proclaimed, but by their Permission or Advice.

‘ By this Gradation of exorbitant Claims and oppressive Measures have they at length arrived, my Lords, at the Summit of Insolence ; by these Steps have they ascended once more to the towering Throne of universal Monarchy ; nor was any Thing wanting to compleat their Plan, but that their ancient Rival, the *German* Empire should be reduc'd to acknowledge their Sovereignty, and that the supreme Dignity of *Europe* should be the Gift of *French* Bounty.

‘ The Death of the late Emperor without Male Issue, furnished them with an Opportunity of executing their Design, too favourable to be neglected. They now imagin'd it in their Power not only to dispose of the Imperial Dignity, but to divide the Dominions of the House of *Austria* into many petty Sovereignties, incapable singly of opposing them, and unlikely to unite in any Common Cause, or to preserve a Confederacy unbroken, if they should by Accident agree to form it.

‘ They therefore sent their Armies into *Germany* to superintend the approaching Election, and by hovering over the Territories of Princes unable to resist them, extorted Voices in Favour of their Ally, a Prince, whose Dominions must by their Situation always oblige him to Compliance with the Demands and to Concurrence in the Schemes of his Protectors, and who will rather act as the Substitute of *France* than the Emperor of *Germany*.

‘ But it was to no Purpose that they had graced their Dependent with titular Honours and Ensigns of Sovereignty, if the House of *Austria* still retained its Hereditary Dominions, and preserv'd its Strength when it had lost its Dignity. They well knew, that Armies were equally formidable, whether commanded by an Emperor or an inferior Sovereign, and that a mere Alteration of Names, though it might afford a slight and transient Gratification to Vanity, would produce no real Increase or Diminution of Power.

‘ They therefore thought it necessary to improve the present Time of Confusion, and excite all the Princes of the Empire to revive their ancient Claims upon the *Austrian* Territories ; Claims, which how long soever they have been forgotten, howsoever abrogated by long Prescription, or annull'd by subsequent Treaties, were now again to become valid, and to be decided by the Arbitration of *France*.

‘ But this Project being defeated by the heroic Constancy

of the Queen of Hungary, whose Wisdom and Resolution, An. 16. Geo. II.  
which will equal her Name in future Histories with those of the most successful Conquerors, rejected their Mediation, 1742.

and refus'd to own her Right doubtful, by submitting it to be tryed ; they were oblig'd no longer to dissemble their Designs, or make further Pretences to Respect or Tenderness. Her Fall was necessary to their own Exaltation ; they therefore kindled a general Conflagration of War, they excited all the Princes to take Arms against her, and found it indeed no difficult Task to persuade them to attack a Princess, whom they thought unable to form an Army, whom they believed they should rather pursue than engage, and whose Dominions might be over-run without Bloodshed, and whom they should conquer only by marching against her.

' Such a Combination as this, a Combination of Monarchs of which each appeared able singly to have carried on a War against her, nothing but the highest Degree of Magnanimity could have form'd a Design of resisting ; nor could that Resistance have procured the least Advantages, or retarded for a single Day the Calamities that were threatened, had it not been regulated by every martial Virtue, had not Policy united with Courage, and Caution with Activity.

' Thus did the Intrepidity of this Princess, my Lords, support her against the Storms that shook her Kingdom on every Side ; thus did those, whom her Virtues gained over to her Service, and whom her Example animated with Contempt of superior Numbers, defend her against the Forces of all surrounding Nations, led on by Monarchs, and elated with the Prospect of an easy Conquest.

' But the utmost that could be hoped, from the most refined Stratagems, or the most exalted Courage, was only that her Fate might be deferred, that she would not fall wholly unrevenged, that her Enemies would suffer with her, and that Victory would not be gained without a Battle. It was evident that Bravery must in Time give Way to Strength, that Vigour must be wearied, and Policy exhausted, that by a constant Succession of new Forces the most resolute Troops must be overwhelmed, and that the House of Austria could only gain by the War the fatal Honour of being gloriously extinguish'd.

' This his Majesty's Wisdom easily enabled him to discover, and his Goodness incited him to prevent ; he called upon all the Powers, who had promised to preserve the Pragmatick Sanction, to have Regard to the Faith of Nations, and by fulfilling their Engagements to preserve the Liberties of Europe ; but the Success of his Remonstrances only afforded

a new



An. 16. Geo. II. 1742 a new Instance of the Weakness of Justice, when opposed to Interest, or Fear. All the Potentates of the Continent were restrained by the Threats, or gained by the Promises of *France*; and the Disposal of the Possessions of the *Austrian* House seemed, by the general Consent of *Europe*, to be resigned to the Family of *Bourbon*.

‘ But our Sovereign was not yet discouraged from asserting the Rights, which he had promised to maintain; nor did he think the Neglect or Treachery of others a sufficient Reason for refusing that Assistance which Justice and Policy equally required. He knew the Power of his own Kingdoms, and though he did not omit to cultivate Alliances, he was conscious of his Ability to proceed without them; and therefore shewed, by sending his Troops into the *Austrian* Territories, that the Measures of the Sovereign of *Great Britain* were not to be regulated by either his Enemies or his Confederates; that this Nation is yet able to support its own Claims, and protect those of its Allies; and that while we attack one of the Kingdoms of the House of *Bourbon*, we are not afraid to set the other at Defiance.’

‘ The Effects of this Conduct, my Lords, were immediately apparent; the King of *Sardinia* engaged to oppose the Entrance of the *Spaniards* into *Italy*, the King of *Prussia* not only made a Peace with the Queen of *Hungary*, by whom he was more to be dreaded than any other Enemy, but enter’d into an Alliance with his Majesty, who has made no small Addition to his Influence by another Treaty with the most powerful Nation of the \* North.

‘ Thus, my Lords, are the dreadful Arms of *France*, which are never employ’d but in the detestable and horrid Plan of extending Slavery and supporting Oppression, stopp’d in the full Career of Success. Thus is the Scheme of universal Monarchy once more blasted, and the World taught, that the Preservation of the Rights of Mankind, the Security of Religion, and the Establishment of Peace, are not impracticable; that the Power of *Great Britain* is yet undiminish’d, and that her Spirit is not yet depressed.’

‘ By his Majesty’s Conduct, my Lords, the Reputation of our Country is now raised to its utmost Height, we are now considered as the Arbiters of Empire, the Protectors of Right, the Patrons of Distress, and the Sustainers of the Balance of *Europe*: I cannot therefore but conclude, that no Man in this illustrious Assembly will be unwilling to acknowledge that Wisdom and Firmness, which not only this Nation, but the greatest Part of the Universe, will remember with Gratitude

\* The Czarina of Russia, of which see more, Jan. 12,

itude in the remotest Ages, and that the Motion, which I An. 16. Geo. II.  
now second, will be universally approved.' 1742

The Lord Chancellor then read the Motion, and asked whether their Lordships would have the Question put ; upon which the Earl of *Chesterfield* stood up, and spoke to the following Purpose :

*My Lords,*

' Though the Motion has been, by the noble Lord who E. of *Chesterfield*, made it, introduced with all the Art of Rhetoric, and enforced by him that seconded it with the utmost Ardour of Zeal, and the highest Raptures of Satisfaction and Gratitude ; though all the late Measures have been recommended to our Applause, as Proofs of the strictest Fidelity, and the most sagacious Policy ; and though I am very far from intending to charge them with Weakness or Injustice, or from pretending to have discovered in them a secret Tendency to advance any Interest in Opposition to that of *Great Britain*, I am yet not able to prevail upon myself to suppress those Scruples, which hinder me from concurring with them, and from approving the Address which is now proposed.'

' I am less inclined, my Lords, to favour the present Motion, because I have long been desirous of seeing the ancient Method of general Addresses revived by this House, a Method of Address by which our Princes were revered without Flattery, and which left us at Liberty to honour the Crown without descending to idolize the Ministry.'

' I know not, my Lords, what Advantages have been procured by an annual Repetition of the Speeches from the Throne, however Gracious or Excellent. For ourselves, we have certainly obtained no new Confidence from the Crown, nor any higher Degree of Honour among the People. The Incense, which from our Censers has so long perfumed the Palace, has inclined the Nation to suspect, that we are long enough enur'd to Idolatry, to offer up their Properties for a Sacrifice whenever they shall be required ; and I cannot dissemble my Suspicions, that a long Continuance of this Custom may give some ambitious or oppressive Prince in some distant Age, when perhaps this beneficent and illustrious Family may be extinct, the Confidence to demand it.'

' I cannot but be of Opinion, and hope your Lordships will be convinced upon very short Reflection, that there is a Stile of Servility, which it becomes not this House to use even to our Monarchs : We are to remember indeed that Reverence which is always due from Subjects, but to preserve likewise

An. 16. Geo. II. likewise that Dignity which is inseparable from Independance and Legislative Authority.

1742.

‘ That we ought not to descend to the meanest of Flattery, that we ought to preserve the Privilege of Speaking without exaggerated Praises or affected Acknowledgements, our Regard not only to ourselves but to our Sovereign ought to remind us. For nothing is more evident, my Lords, than that no Monarch can be happy while his People are miserable ; that the Throne can be secure only by being guarded by the Affections of the People ; and the Prince can only gain and preserve their Affections by promoting their Interest and supporting their Privileges.

‘ But how, my Lords, shall that Monarch distinguish the Interest of his People, whom none shall dare to approach with Information ? How shall their Privileges be supported, if when they are infringed, no Man will complain ? And who shall dare to lay any publick Grievances or private Wrongs before the King of *Great Britain*, if the highest Assembly of the Nation shall never address him but in Terms of Flattery ?

‘ The Necessity of putting an End to this corrupt Custom, becomes every Day more and more urgent ; the Affairs of *Europe* are hastening to a Crisis, in which all our Prudence and all our Influence will be required, and we ought therefore to take Care not to perplex our Resolutions by voluntary Ignorance, or destroy our Credit by a publick Approbation of Measures, which we are well known not to understand.

‘ I suppose, none of your Lordships, who are not engaged in the Administration of Affairs, will think it derogatory from the Reputation of our Abilities and Experience, to confess, that you do not yet see all the Circumstances, or Consequences of the Measures, which you are desired to applaud ; Measures which have been too lately taken to discover their own Tendency, and with Relation to which no Papers have been laid before us. We are told of Armies joined, and Treaties concluded, and therefore called upon to praise the Wisdom of our Negotiations, and the Usefulness and Vigour of our military Preparations, though we are neither acquainted on what Terms our Alliances are formed, nor on what Conditions our Auxiliaries assist us.

‘ This, my Lords, is surely such Treatment as no liberal Mind can very patiently support ; it is little less than to require, that we should follow our Guides with our Eyes shut ; that we should place implicate Confidence in the Wisdom of our Ministers, and having first suffered them to blind ourselves, assist them afterwards to blind the People.

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‘ The longer I dwell upon the Consideration of this Motion, the more Arguments arise to persuade me, that we ought not hastily to agree to it. My Lords, the Address proposed, like the Speech itself, is of a very complicated and intricate Kind, and comprises in a few Words many Transactions of great Importance, crowded together with an artful Brevity, that the Mind may be hindered by the Multitude of Images, from distinct and deliberate Consideration of Particulars. Here are Acts of Negotiation confounded with Operations of War, one Treaty intangled with another, and the Union of the *Hanoverians* with our Troops, mentioned almost in the same Sentence with the *Spanish* War. This Crowd of Transactions, so different in their Nature, so various in their Consequences, who can venture to approve in the Gross? Or who can distinguish without long Examination?

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1742.

‘ I hope, my Lords, that I shall not be charged with Want of Candour, in supposing the Motion not to be an extemporaneous Composition, but to be drawn up with Art and Deliberation. It is well known, that the Address is often concerted at the same Time that the Speech is composed, and that it is not uncommon to take Advantage of the Superiority, which long Acquaintance with the Question gives those who defend the Motion, above those who oppose it.

‘ We are indeed told, that the visible Effects of his Majesty’s Measures prove their Expediency, and that we may safely applaud that Conduct of which we receive the Benefits. But, my Lords, the Advantages must be seen or felt before they can be properly acknowledged; and if has not been shewn, that we have yet either intimidated the Enemies of the Queen of *Hungary*, whose Interest we have been lately taught to believe inseparable from our own, or encouraged any new Allies to declare in her Favour.

‘ The *Dutch* \*, my Lords, are not yet roused from their Slumber of Neutrality; and how loudly soever we may as-

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\* Upon the Earl of Stair’s being sent over to the Hague as Ambassador Plenipotentiary, he made the following Speech to their High Mightinesses.

‘ High and Mighty Lords,

‘ The King my Master, tho’ closely united with your Republick by the strongest Tyes of mutual Interest, which render a good Correspondence between his Kingdoms and your Dominions indispensable for the reciprocal Support of their Liberty and Independence, endeavours moreover, in this critical and dangerous Conjunction, to give you the most convincing Proofs of his perfect Friendship and entire Confidence; and ’tis with this Purpose that his Majesty sends me hither in Quality of his Ambassador Extraordinary, with full Powers to concert and take

An. 16. Geo. II.  
1742.

fert our Zeal, or with whatever Pomp we may display our Strength, they still seem to doubt either our Integrity or Force; and are afraid of engaging in the Quarrel, lest they should be either conquered or betrayed. Nor has the Approach

' take with your High Mightinesses the properest Measures for preserving the Liberties of Europe. and restoring a just Equilibrium in it ;  
' as well as for maintaining the Independency of his Kingdoms and the Dominions of your High Mightinesses, by preserving the House of Austria, pursuant to our common Engagements and mutual Interest ;  
' and his Majesty flatters himself that these Measures will be taken without Loss of Time.

' All the World is acquainted with the generous Efforts of your Ancestors to recover their Liberties and defend their Religion: All the World is Witness of the great Actions performed by your Republick in our Days for the Support of the Liberties of Europe. Such glorious Actions do not permit the King to doubt, in the least, the Magnanimity and Wisdom of your Republick.

' Certainly you will not now submit to that Slavery, to avert which you formerly fought so gloriously.

' In this firm Persuasion the King addresses himself to your High Mightinesses to augment your Land-Forces, and to put to Sea Part of your Fleet. Thereby, your High Mightinesses, closely united with the King of Great Britain, will absolutely be Masters at Sea, which is a very great Advantage ; and, on the other Hand, you will also be in a Condition to secure that Part of your Frontier which you now find most expos'd ; and in Case your High Mightinesses judge it necessary to have a farther Security by a new Alliance on that Side, the King, in Quality of Elector, cordially offers to come into it ; and to the End that the Barrier may not be weaken'd by the Troops which you may think fit to employ in the Places that lie expos'd on the Frontier, the King has already given Orders, at the Request of the Queen of Hungary, to transport a considerable Body of his British Troops to the Low Countries.

' Thus, when your High Mightinesses have put all your Frontier Towns in a Condition not to fear any Surprise, you may protect your Allies in such Manner as you judge most convenient ; and thereby other Princes, who may be willing to join the Maritime Powers in Defence of the Liberties of Europe, may do it more freely and without Fear ; which never will happen without a perfect and declar'd Union between the two Powers, and without their taking, in concert, Measures for their reciprocal Safety, the Preservation of their Allies and the publick Liberty.

' All that we have seen of late ought to be a full Conviction to us that the most solemn Treaties are too weak a Barrier for the Liberties of Europe, and that we must have better Securities for the future.

' The King finds himself obliged to remonstrate to your High Mightinesses that the solemn Faith of Treaties demands Succours from the Queen of Hungary.

' On his Part the King has given very convincing Proofs of his good Faith and his Friendship for the said Queen. The large Sums furnished last Year, and the still greater Sums granted for the present Year, are Vouchers for his Exactness and his Readiness to perform even more than his Engagements. The King trusts, from your High Mightinesses well known good Faith, that you will not delay fulfilling

' your

proach of our Army, however they may be delighted with the Show, inspired them with more Courage, tho' they are enforced by the Troops of *Hanover*.

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' The Addition of these Forces to the *British* Army, has been mentioned as an Instance of uncommon Attention to the great Cause of universal Liberty, as a Proof that no Regard has been paid to private Interest, and that all Considerations

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' your Engagements in the same Manner to the Queen; and his Majesty intreats your High Mightinesses to consider, that if that Princess is once crush'd it will be a more difficult Task to maintain the general Independency of Europe.

' The unanimous Consent of his People ought to be a very agreeable Guaranty to your High Mightinesses of his Majesty's good and generous Intentions; and the King flatters himself that the Subjects of your High Mightinesses have the same Sentiments in regard to the Preservation of their Independence and the publick Liberty.

' The Uprightness of my Heart, the Sincerity of my Intentions for my Country, for the King my Master, and for your Republick, will, I hope, make Amends for many Defects.

' And I shall explain myself in a more ample Manner as soon as your High Mightinesses please to appoint Commissioners to confer with me.'

M. Van Haren, President of the Week, made his Excellency the following Answer :

' The Friendship and Union which have so long subsisted between the Crown of Great Britain and this Republick, have been always look'd upon by their High Mightinesses as too advantageous not to think it their Duty to employ their utmost Endeavours to cultivate and perpetuate them.

' It is not therefore surprising that they now receive an extreme Pleasure to be inform'd of the Desires of his Britannick Majesty, for not only confirming, but establishing upon more solid and lasting Foundations than ever, the good Understanding between the Maritime Powers.

' The Neighbourhood, the solemn Treaties, and the Conformity of Sentiments, as well in respect to Religion as Liberty, all contribute to make us sensible of the inestimable Price which ought to be set upon the strict Union betwixt the two Nations; their High Mightinesses will always give convincing Proofs of it; as also of their profound Veneration, and of their perfect Esteem, for the sacred Person of his Majesty, and for all his Royal Family, for the Preservation and Prosperity of whom they offer up the most ardent and sincere Vows: And they cannot help manifesting how greatly they are delighted, that his Majesty has made Choice of you to come to give them these Assurances, which will greatly tend to draw the Knot of mutual Friendship closer. No one, Sir, could be more proper than you for this Employment: You, whose good Intention towards the Republick is so well known, and whose Merit is so universally applauded and admir'd.

' Their High Mightinesses will give the utmost Attention to what you come to propose to them, and will be ready to give you Audience, and to appoint Commissioners to confer with you, as often as you shall wish.'

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are sacrificed to publick Good. But since no Service can be so great but it may be overpaid, it is necessary that we may judge of the Benefit to inform us on what Terms it has been obtained, and how well the Act of Succession has been observed on this Occasion.

‘ Though I am too well acquainted, my Lords, with the Maxims which prevail in the present Age, and have had too much Experience of the Motives, by which the Decisions of Parliament are influenced, to offer any Motion of my own, yet these Reasons will withhold me from concurring with this. I cannot but be of Opinion, that the Question ought to be postponed to another Day, in which the House may be fuller, our Deliberations be assisted by the Wisdom and Experience of more than thirty Lords, who are now absent, and the Subjects of Enquiry, of which many are new and unexpected, may be more accurately considered; nor can I prevail upon myself to return to general Declarations any other than general Answers.

His Lordship was answered by Lord Carteret.

Lord Carteret.

‘ *My Lords,*

‘ As there has arisen no new Question, as his Majesty in assisting the Queen of *Hungary* has only followed the Advice of the \* Parliament; I am far from being able to discover, why any long Deliberation should be necessary to a Concurrence with the Motion now before us, or whence any Doubt can arise with Regard to the Effects of his Majesty’s Measures; Effects, which no Man will deny, who will believe either his own Eyes, or the Testimony of others; Effects, which every Man who surveys the State of *Europe* must perceive, and which our Friends and our Enemies will equally confess.

‘ To these Measures, which we are now to consider, it must be ascribed, that the *French* are no longer Lords of *Germany*, that they no longer hold the Princes of the Empire in Subjection, lay Provinces waste at Pleasure, and sell their Friendship on their own Terms. By these Measures have the *Dutch* been deliver’d from their Terrors, and encouraged to deliberate freely upon the State of *Europe*, and prepare for the Support of the Pragmatic Sanction. But the common Cause has been most evidently advanced by gaining the King of *Prussia*, † by whose Defection the Balance of the War was turned,

\* See the Resolutions of both Houses in the first Session.

† The Preliminaries of Peace between the Queen of *Hungary* and the King of *Prussia* were signed at *Breslau* the 1st of June 1742, by the Earl of *Hyndford*, (in virtue of the full Powers he had received from her *Hungarian*

turned, and at least thirty thousand Men taken away from the Scale of *France*. An. 16. Geo. II.  
1742.

‘ This, my Lords, was a Change only to be effected by a patient Expectation of Opportunities and a politic Improvement of casual Advantages, and by contriving Methods of reconciling the Interest of *Prussia* with the Friendship of the Queen of *Hungary*; for, Princes like other Men, are inclined to prefer their own Interest to all other Motives, and to follow that Scheme which shall promise most Gain.

‘ That all this, my Lords, has been effected, cannot be denied, nor can it be said to have been effected, by any other Causes than the Conduct of *Great Britain*. Had this Nation looked either with cowardly Despair, or negligent Inactivity on the rising Power of *France* and the Troubles of the Continent, had the Distribution of Empire been left to Chance, our Thoughts confined wholly to Commerce, and our Prospects not extended beyond our own Island, the Liberties of *Europe* had been at an End, the *French* had established themselves in the secure Possession of universal Monarchy, would henceforth have set Mankind at Defiance, and wantoned without Fear in Oppression and Insolence.

‘ These, my Lords, are Consequences of the Measures pursued by his Majesty, of which neither the Reality nor the Importance can be questioned, and therefore they may doubtless be approved without Hesitation. For surely, my Lords, the

garian Majesty) and Count Podeweltz, Minister Plenipotentiary of the King of *Prussia*. The following are the principal Articles, ‘ The Queen yields to his Prussian Majesty not only the Upper and Lower *Silesia*, except the Principality of *Teschén* and *Troppau*, but likewise the Principality of *Glatz* in *Bohemia*. The King engages to observe an exact Neutrality during the Continuance of the War, and in fifteen Days to withdraw his Troops from *Bohemia*, in which Time the Ratification is to be made. His Prussian Majesty takes wholly upon himself to pay the Sum due to the English Merchants, Principal and Interest, on Account of the Mortgage made January 10, 1734-5, by the late Emperor upon *Silesia*. His Britannick Majesty guaranties this Treaty, both as King of *Great Britain* and Elector of *Hanover*.

This Affair was negotiated with impenetrable Secrecy. Prince Charles of *Lorain* finding Means after the Action at *Teyn*, to have a private Interview with the King of *Prussia*, he immediately sent Orders to Count Podeweltz to sign the Treaty. The French Marshal *Bellisle*, who was in the Prussian Camp, while this Affair was carrying on, really believed till the 1st of June, that the King would march his Troops towards *Prague* to join the Confederates; but his Majesty having then declared to him that he intended to remain neuter, the Marshal immediately set out for *Prague*, whence he has written to the Emperor, ‘ That it was with the greatest Concern he found himself obliged to inform him, that the King of *Prussia* had made a separate Alliance with the Queen of *Hungary*, just when his Assistance was most wanted.’



the Addition of the *Hanoverian* Troops to the Forces of our own Nation can raise no Scruples, nor be represented as any Violation of the Act of Settlement.

‘ Of the Meaning of that memorable Act, I believe, I do not need any Information. I know, it is provided, that this Nation shall not be engaged in War in the Quarrel of *Hanover*, but I see no Traces of a reciprocal Obligation, nor can discover any Clause, by which we are forbidden to make Use in our own Cause of the Alliance of *Hanover*, or by which the *Hanoverians* are forbidden to assist us.

‘ I hope, my Lords, this Representation of the State of our Transactions with *Hanover*, will not be charged with Artifice or Sophistry. I know how invidious a Talk is undertaken by him who attempts to shew any Connection between Interests so generally thought opposite, and am supported in this Apology only by the Consciousness of Integrity and the Intrepidity of Truth.

‘ The Assistance of *Hanover*, my Lords, was at this Time apparently necessary. Our own Troops joined with the *Hessians*, composed a Body too small to make any efficacious Opposition to the Designs of *France*; but by the Addition of sixteen Thousand Men became sufficiently formidable to oblige her to employ those Troops for the Security of her Frontiers, with which she intended to have overwhelmed *Italy*, and to have exalted another *Spanish* Prince to a new Kingdom. The *Spaniards* depriv’d of this Assistance, harassed by the *Austrians* with perpetual Alarms, and debarred by our Fleet from the Supplies which are provided for them in their own Country, must languish with Penury and Hardships, being equally cut off from Succour and from Flight.

‘ Thus, my Lords, it is evident, that the true and everlasting Interest of *Great Britain* has been steadily pursued, that the Measures formed to promote it have been not only prudent but successful. We did not engage sooner in the Quarrel, because we were not able to form an Army sufficiently powerful; an advantageous Peace is only to be obtained by vigorous Preparations for War; nor is it to be expected that our Enemies should court our Friendship, till they see that our Opposition is really formidable. Such, my Lords, is our present State, we may reasonably hope that the *French* will desist from their Designs, because they will have a Confederacy to oppose more powerful than that by which their immortal Monarch was lately humbled; and I hope that Conduct will always be applauded in this House, which enables us to repress the Arrogance of *France*.

The Earl of *Westmoreland* then spoke to the following Pur-An. 16. Geo. II.  
port :

1744.

*My Lords,*

‘ Though the Warmth with which the noble Lord has defended the Motion, and the Confidence with which he asserts the Propriety and Efficacy of the Measures to which it relates, are such Proofs of the Strength of his Conviction as leave no Room to doubt his Sincerity ; yet as the same Arguments do not operate upon different Minds with the same Force, I hope I shall not be thought less sincere or less studious of the public Happiness, or the Honour of the Crown, though I presume to differ from him.

Earl of *Westmoreland*.

‘ In the Motion now before us I cannot concur, because, though it should be allowed to contain a just Representation of foreign Affairs, yet it appears to me to omit those Considerations which I think it the Duty of this House to offer to his Majesty. This Nation is, in my Opinion, expos’d to Enemies more formidable than the *French* ; nor do I think that we are at leisure to defend the Liberties of *Europe*, till we have made some Provisions for the Security of our own ; or to regulate the Balance of Power, till we have restored our Constitution to its antient Equilibrium.

‘ That there are flagrant Proofs of the most enormous Corruption throughout the whole Subordination of publick Offices ; that our publick Funds are only Nurseries of Fraud, and that Trust of every Kind is only considered as an Opportunity of plundering, appears evidently from the universal Prevalence of Luxury and Extravagance, from the sudden Affluence of private Men, from their Tables, their Equipages, and the ostentatious Magnificence of their Buildings.

‘ It is evident likewise, that Corruption is not confined to publick Offices ; that those who have lost their own Integrity, have endeavour’d to destroy the Virtue of others ; that Attempts have been made to subject the whole Nation to the Influence of Corruption, and to spread the Contagion of Bribery from the highest to the lowest Classes of the People.

‘ It is therefore necessary before we engage in the Consideration of foreign Affairs, to prosecute the Inquiry \* which was begun in the last Session, to trace Wickedness to its Source, and drag the Authors of our Miseries into the Light.

‘ These, my Lords, are the Inquiries which the general Voice of the People importunately demands ; these are the Petitions which ought never to be rejected ; all Parties are  
now

\* See the Reports of the secret Committee, and the Proceedings relating thereto, in Chandler’s History of the Commons, Vol. XIII.

An. 16. Geo. II. now united, and all Animosities extinguished ; nor is there  
 1742 any other Clamour than for Enquiries and Punishment.

The other House, my Lords, has been engaged in the laudable Attempt to detect those who have betrayed or plunder'd, or corrupted, their Country ; and surely we ought to have so much Regard to our own Honour, as not to suffer them to toil alone in a Design so popular, so just, and so necessary, while we amuse ourselves, with applauding the Sagacity of our Ministers, who, whatever they may hope themselves, or promise others, have not yet prevailed on any foreign Power to concur with them, or to interpose in the Affairs of the Continent. And therefore I cannot conceal my Suspicion, that instead of furnishing any Subject for Panegyrics on our Policy and Caution, we are now wasting our Treasures, and our Strength in a Romantic Expedition.

‘ Since therefore, my Lords, our domestick Evils seem to me most dangerous, I move that, in order to their speedy Remedy, and that the People may see we do not forget their immediate Interest, this Addition be made to the Motion now before us : ‘ And humbly to assure his Majesty, that ‘ we will apply our constant and preserving *Endeavours to ‘ calm and heal Animosities and Divisions*, unseasonable as ‘ they are at all Times, and most pernicious in the present ‘ Juncture, which the true fatherly Tendernefs of his Majesty, out of the Abundance of his constant Care for the ‘ Rights and Liberties of his People, has so affectionately at ‘ the Close of last Session recommended from the Throne, ‘ by searching thoroughly and effectually into the Grounds, ‘ which are or may be assigned for publick Discontent, ‘ agreeably to the antient Rules and Methods of Parliament.’

This additional Clause being delivered in Writing to the Lord Chancellor, he read it to the House, but said that his Lordship spoke so low, that he could not tell whether he proposed to have it inserted. The Earl of *Westmoreland* then directed him to read the Motion, which done, he desired that his Clause might be added at the End.

Hereupon the Lord *Raymond* spoke to the following Effect.

Lord Raymond. *My Lords,*  
 ‘ The Addition which the noble Lord has offered to the Address proposed, cannot, in my Opinion, be properly admitted, as it has no Relation to the preceding Clauses, but is rather inconsistent with them.

‘ Nor do I think it only improper, with Regard to the other Part of the Motion, but unnecessary in itself ; since it  
 has

has no Reference to his Majesty's Speech, now under our Consideration ; since it will facilitate none of our Enquiries, which may be carry'd on with equal Vigour without any such unseasonable Declaration of our Design.

An. 16. Geo. II.

1742.

' If, therefore, the Motion for the Amendment be not withdrawn, I shall move that the first Question be first put.

The Question was then put upon the Marquis of *Tweeddale's* Motion, and it pass'd in the Affirmative without any Division.

The next Day the House waited on the King with their Address.

*Most gracious Sovereign,*

' **W**E your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave to return your Majesty our sincere and humble Thanks for your most gracious Speech from the Throne.

Address of Thanks for the King's Speech at opening the Second Session.

' The Support of the House of *Austria*, and the restoring and securing the Balance of Power, are of so great Moment, as well to the essential Interests of this Nation in particular, as to the Liberties of *Europe* in general ; that we esteem it our peculiar Felicity, in this critical and dangerous Conjunction, to have a Prince upon the Throne, who not only shews the most gracious Regard to the Advice of his Parliament upon this important Subject, but takes all Opportunities to confirm and animate them in the Pursuit of it. We acknowledge, with Hearts full of Gratitude, your Majesty's Royal Wisdom and effectual Care in carrying on this great Work, which has appeared in nothing more than in sending so considerable a Body of your Forces into the *Low Countries*, and in strengthening them afterwards with your Electoral Troops, and the *Hessians* in the *British* Pay. By this Step, so honourable to your Majesty, and so advantageous to your Allies, your Majesty has demonstrated that you prefer this glorious Cause to all other Considerations, and have formed such an Army, as may at once defend and encourage those Powers who are well intention'd, and give a real Assistance to the Queen of *Hungary* : And we beg Leave to assure your Majesty of our chearful and zealous Concurrence and Support in this necessary Measure.

' The good Effects, which the Vigour exerted by *Great Britain*, under your Majesty's Authority and Influence, in assisting its ancient Allies, and maintaining the Liberties of *Europe*,

An. 16. Geo. II.

1742.



*Europe*, hath already had upon the Affairs of the Queen of *Hungary*, upon the Conduct of several Powers, and the State of *Europe* in general, are visible to all the World. It is with the utmost Satisfaction we observe them ; and rely on your Majesty's known Care and Attention to the publick Welfare, to pursue and improve them ; and we cannot but entertain well-grounded Hopes, that so great an Example, and a steady Perseverance in the same Measures, will inspire the like Spirit and Resolution into other Powers, equally engag'd by Treaties and common Interest, to take the like Part.

Your Majesty has laid before us so just a Representation of the Importance of our Deliberation at this Time, as cannot fail to make an Impression upon all true Lovers of their Country, equal to the Dignity and Weight of it. Permit us on our Parts, to give your Majesty the strongest Assurances that we have the Honour and Safety of your Majesty, the true Interest and Prosperity of your Kingdoms, the Security and Advancement of their Commerce ; the Success of the War against *Spain*, and the Re-establishment of the Balance and Tranquility of *Europe*, entirely at Heart. These shall be the constant Objects of our Proceedings and Resolutions, from which we will never depart ; being firmly determin'd to support your Majesty in all just and necessary Measures for attaining those great and desirable Ends ; and to stand by and defend your Majesty and your Government, against all your Enemies.'

To this his Majesty return'd the following Answer.

*My Lords,*

His Majesty's  
Answer.

" THE Duty and Affection which you express in this Address, for my Person and Government, are accompanied with so great Zeal for the Common Cause, and the true Interest of my Kingdoms, as gives me the utmost Satisfaction. I thank you heartily for it, and doubt not but your vigorous Support, so early and unanimously given, will have the best Effects both at Home and Abroad."

A Treaty with  
Prussia sign'd.

On the 18th a Treaty of mutual Defence and Guarantee was signed by the Plenipotentiaries appointed by his Majesty with M. *Andrie*, Minister and Plenipotentiary from the King of *Prussia*.

About the Middle of *December* died the Rt. Hon. *Henry Lord Maynard*.

*Dec. 15.* The Lords read a third Time and passed the Land-Tax Bill : Then upon a Motion made by the Earl of *Sanwich*, seconded by the Duke of *Bedford*, ordered an Address

Address to his Majesty to lay before the House an Estimate of the Charge of the *Hanover* Forces. and also an Estimate of the Charge of the *Hessian* Forces in the Pay of Great Britain. An. 16. Geo. II.  
1742

The next Day the Lords read a first Time the Malt-Bill. On the 17th they read the said Bill a second Time, and received the Report of his Majesty's Answer to their Address: That the several Estimates should be laid before them, as desired. The King's Answer to the Address for Estimates of Foreign Forces in British Pay.

On the 21st the King went to the House of Peers with the usual State, and gave the Royal Assent to the Land-Tax Bill; that for continuing the Duties on Malt, Mum, Cyder, and Perry; and to one Naturalization Bill: After which his Majesty made the following most gracious Speech:

*My Lords and Gentlemen,*

"I Am very glad of the Occasion, which my coming hither at this Time gives me, of expressing to you the great Satisfaction I take, in seeing so good a Progress already made in the Business of this Session. His Majesty's Speech at passing the Bills for a Supply.

*Gentlemen of the House of Commons,*

"The Readiness and Dispatch, with which you have thus early provided so considerable a Part of the Supplies, for the ensuing Year, deserve my particular Thanks: And I make no doubt, but the same Zeal for the Common Cause, will induce you to enable me to concert proper Measures, and to enter into, or make good, such Alliances and Engagements with other Powers, as may be necessary for the Support of the Queen of Hungary, and restoring the Balance of Power.

*My Lords and Gentlemen,*

"I look upon this Beginning as a sure Pledge of your Steadiness, in pursuing the true Interest of Great Britain, which is, and ever shall be, my only View."

In Return to which the House voted an Address of Thanks, and then adjourn'd to the 11th of January.

About the same Time a Messenger from the Earl of Hyndford, at Berlin, arrived here, with the King of Prussia's Ratification of the Treaty of Defensive Alliance concluded at Westminster, the 18th of November last past, between his Majesty and that Prince.

During this Month died the Lord Viscount Say and Seale, and was succeeded by his Cousin, — Fiennes, Esq;

On the 11th of January the Estimates of the Charge of the *Hanoverian* and *Hessian* Forces, in the Pay of Great Britain, were presented to the House.

Jan.

An. 16. Geo. II.  
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*Jan. 14.* The Lords heard a Cause between the Earl of *Anglesea*, Appellant, and *Charles Annesley*, Esq; Respondent; and affirm'd the Decree.

The same Day died the Rt. Hon. *William Capel*, Earl of *Essex*, Lord Lieutenant and *Custos Rotulorum* of the County of *Hertford*, First Lord of the Bedchamber to his Majesty, Captain of the Yeomen of the Guard, Knight of the Garter, and formerly Ambassador at the Court of *Turin*; he was succeeded by his Son a Minor.

Soon after the Lord *Berkley* of *Stratton* was appointed Captain of the Yeomen of the Guard; and the Earl of *Lincoln* one of the Lords of the Bedchamber, in the Room of the Earl of *Essex*.

On the 30th of *January*, being the Anniversary of the Martyrdom of King *Charles I.* the Lords heard a Sermon preach'd at *Westminster* Abbey, by Dr *Willes*, Bishop of *St. David's*: But it was not printed, as usual.

*Feb. 1.* The Lords read a first Time a Bill for punishing Persons assisting Prisoners to escape.

Debate on the Estimates of the Expence of the Foreign Forces in British Pay.

Then the Order of the Day being read, for taking into Consideration the several Estimates of the Expence of the Forces in the Pay of *Great Britain*, the Earl *Stanhope* stood up and spoke as follows:

*My Lords,*

Earl Stanhope.

' I have always understood, that the peculiar Happiness of the *British* Nation consists in this, that nothing of Importance can be undertaken by the Government, without the Consent of the People as represented by the other House, and that of your Lordships, whose large Possessions, and the Merits either of your Ancestors or yourselves, have given you the Privilege of voting in your own Right in national Consultations.

' The Advantages of this Constitution, the Security which it confers upon the Nation, and the Restraint which it lays upon corrupt Ministers, or ambitious Princes, are in themselves too obvious to admit of Explanation; and too well known in this great Assembly, by whose Ancestors they were originally obtain'd and preserv'd at the frequent Hazard of Life and Fortune, for me to imagine, that I can make them either more esteemed or better understood.

' My Intention, my Lords, is not to teach others the Regard which the Constitution of our Government, or the Happiness of the Nation demands from them, but to shew how much I regard them myself, by endeavouring to preserve and defend them at a Time when I think them invaded and endangered.

' Upon the Examination of the Estimates now before us,

I cannot but think it necessary, my Lords, that every Man who values Liberty, should exert that Spirit by which it was at first established ; that every Man should rouse from his Security, and awaken all his Vigilance and all his Zeal, lest the bold Attempt that has been now made, should, if it be not vigorously repressed, be an Encouragement to the more dangerous Incroachments ; and lest that Fabrick of Power should be destroyed which has been erected at such Expence and with such Labour, at which one Generation has toiled after another, and of which the Wisdom of the most experienced and penetrating Statesmen have been employ'd to perfect its Symmetry, and the Industry of the most virtuous Patriots to repair its Decays.

An. 16. Geo. II.  
1742.

‘ The first Object which the Estimates force upon our Observation is a numerous Body of Foreign Troops, for the Levy and Payment of which a very large Sum is demanded ; and demanded at a Time when the Nation is to the last Degree embarrassed and oppressed ; when it is engag’d in a War with a powerful Kingdom, and almost overwhelmed with the Debts that were contracted in former Confederacies ; when it is engag’d in a War, not for the Recovery of forgotten Claims, or for the Gratification of restless Ambition, not for the Consumption of exuberant Wealth, or for the Discharge of superfluous Inhabitants ; but a War in which the most important Interests are set to hazard, and by which the Freedom of Navigation must be either establish’d or lost ; a War which must determine the Sovereignty of the Ocean, the Rights of Commerce, and the State of our Colonies ; a War in which we may indeed be victorious without any Increase of our Reputation ; but in which we cannot be defeated without losing all our Influence upon Foreign Powers, and becoming subject to the Insolence of petty Princes.

‘ When Foreign Troops are hired at a Time like this, it is natural to expect, that they have been procur’d by Contracts uncommonly frugal ; because no Nation can be supposed to be lavish in a Time of Distress : It is natural, my Lords, to expect that they should be employ’d in Expeditions of the utmost Importance ; because no trifling Advantage ought to incite a People overburthen’d with Taxes to oppress themselves with any new Expence ; and it may be justly supposed, that these Troops were hired by the Advice of the Parliament ; because no Minister can be supposed so hardened in Defiance of his Country, in Contempt of the Laws, and in Disregard of the publick Happiness, as to dare to introduce Foreigners into the publick Service, in Prosecution of his own private Schemes, or to rob the Nation which he professes to serve, that he may increase the Wealth of another.

‘ But



An. 16. Geo. II.  
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‘ But upon Consideration of this Estimate, my Lords, all these Expectations, however reasonable in themselves, however consistent with the Declarations of the wisest Statesmen, and the Practice of former Times, will be disappointed ; for it will be found that the Troops of which we are now to ratify the Provisions for their Payment, are raised at an Expence never known on the like Occasion before, when the Nation was far more able to support it ; that they have yet been employed in no Expedition, that they have neither fought a Battle, nor besieged a Town, nor undertaken any Design, nor hindered any that has been formed by those against whom they are pretended to have been raised ; that they have not yet drawn a Sword but at a Review, nor heard the Report of Fire-arms but upon a Festival ; that they have not yet seen an Enemy, and that they are posted where no Enemy is likely to approach them.

‘ But this, my Lords, is not the Circumstance which ought, in my Opinion, most strongly to affect us : Troops may be raised without being employed, and Money expended without Effect ; but such Measures, though they ought to be censured and rectified, may be born without any extraordinary Degree of Indignation. While our Constitution remains unviolated, temporary Losses may be easily repaired, and accidental Misconduct speedily retrieved ; but when the publick Rights are infringed, when the Ministry assume the Power of giving away the Properties of the People, it is then necessary to exert an uncommon Degree of Vigour and Resentment ; it is as necessary to stop the Incroachments of lawless Power, as to oppose the Torrent of a Deluge, which may be perhaps resisted at first, but from which the Country that is once overwhelmed by it, cannot be recovered.

‘ To raise this Ardour, my Lords, to excite this laudable Resentment, I believe it will be only necessary to observe, that those Troops were raised without the Advice or the Consent of the Parliament ; that this new Burthen has been laid upon the Nation by the despotic Will of the Ministers, and that the Demands made for their Support may be said to be a Tax laid upon the People, not by the Parliament but by the Court.

‘ The Motives upon which the Ministry have acted on this Occasion are, so far as they can be discovered, and, indeed, there appears very little Care to conceal them, such as no Subject of this Crown ever dared to proceed upon before ; they are such as the Act of Settlement, that Act to which our Sovereign owes his Title to this Throne, ought for ever to have excluded from *British* Councils,

‘ I should proceed, my Lords, to explain this new Method of impoverishing our Country, and endeavour to shew the Principles from which it arises, and the End which it must promote. But some sudden Indisposition obliges me to contract my Plan, and conclude much sooner than I intended with moving, ‘ That an humble Address be presented to his Majesty, to beseech and advise his Majesty, that considering the excessive and grievous Expences, incurred by the great Number of Foreign Troops, now in the Pay of *Great Britain* (Expences so increased by the extraordinary Manner, as we apprehend, of making the Estimates relating thereto, and which do not appear to us, conducive to the End proposed) his Majesty will be graciously pleased, in Compassion to his People loaded already with such numerous and heavy Taxes, such large and growing Debts, and greater annual Expences than this Nation, at any Time, ever before sustained, to exonerate his Subjects of the Charge and Burthen of those Mercenaries, who were taken into our Service last Year, without the Advice or Consent of Parliament.’

The Earl of *Sandwich* spoke next, in Support of the Motion, to the following Effect :

*My Lords,*

‘ Though I heard the noble Lord with so much Pleasure, E. of Sandwich. that I could not but wish he had been able to deliver his Sentiments more fully upon this important Affair ; yet I think the Motion so reasonable and just, that though he might have set it yet more beyond the Danger of Opposition, tho’ he might have produced many Arguments in Defence of it, which perhaps will not occur to any other Lords ; yet I shall be able to justify it in such a Manner, as may secure the Approbation of the Unprejudiced and Disinterested ; and therefore I rise up to second it with that Confidence, which always arises from a Consciousness of honest Intentions, and of an impartial Enquiry after Truth.

‘ The Measures, my Lords, which have given Occasion to this Motion, have been for some Time the Subject of my Reflections. I have endeavoured to examine them in their full Extent, to recollect the previous Occurrences by which the Ministry might have been influenced to engage in them, and to discover the certain and the probable Consequences which they may either immediately, or more remotely produce. I have laboured to collect from those who are supposed to be most acquainted with the State of *Europe*, and the Scheme of *British* Policy which is at present pursued, the

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An. 16. Geo. II. Arguments which can be offered in favour of these new Engagements ; and have compared them with the Conduct of former Ages upon the like Occasions ; but the Result of all my Searches into History, all my Conversation with Politicians of every Party, and all my private Meditations, has been only, that I am every Hour confirmed by some new Evidence, in the Opinion which I had first formed ; and now imagined myself to know what I at first believed, that we are entangled in a Labyrinth of which no End is to be seen, and in which no certain Path has yet been discovered ; that we are pursuing Schemes which are in no Degree necessary to the Prosperity of our Country, by Means which are apparently contrary to Law, to Policy, and to Justice ; and that we are involved in a foreign Quarrel only to waste that Blood, and exhaust that Treasure, which might be employed in recovering the Rights of Commerce, and regaining the Dominion of the Sea.

1742.

‘ To prosecute the War against *Spain* with that Vigour which Interest and Resentment might be expected to produce, to repress that Insolence by which our Navigation has been confined, and to punish that Rapacity by which our Merchants have been plundered, and that Cruelty by which our Fellow-Subjects have been enslaved, tortured and murdered, had been an Attempt in which every honest Man would readily have concurred, and to which all those who had any Sense to discern their own Interest, or Virtue to promote the publick Happiness, would cheerfully have contributed, however loaded with Taxes, oppressed with a Standing Army, and plunder’d by the Vultures of a Court : Nor is the ancient Spirit of the *British* Nation so much depressed, but that when *Spain* had been subdued, when our Rights had been publicly acknowledged, our Losses repaired, and our Colonies secured ; when our Ships had again sailed in Security, and our Flag awed the Seas of the *West-Indies*, we might then have extended our Views to foreign Countries, might have assumed once more the Guardianship of the Liberties of *Europe*, have given Law to the Powers of the Continent, and superintended the Happiness of Mankind. But in the present Situation of our Affairs, when we have made War for Years without Advantage, while our most important Rights are yet subject to the Chance of Battle, why we should engage in the Defence of other Princes more than our Stipulations require, I am not able to discover ; nor can I conceive what Motive can incite us, after having suffered so much from a weak Enemy, to irritate a stronger.

‘ To the Measures which are now pursued, were there no other

other Arguments to be alledged against them, I should think An. 16. Geo. II.  
 it, my Lords, a sufficient Objection that they are unnecessary, and that this is not a Time for political Experiments, or for wanton Expences. I should think, that the present Distresses of the Publick ought to restrain your Lordships from approving any Steps by which our Burthens may be made more heavy : Burthens under which we are already sinking, and which a Peace of more than twenty Years has not contributed to lighten.

But that they are unnecessary, my Lords, is the weakest Allegation that can be offered ; for they are such as tend not only to obstruct the Advancement of more advantageous Designs, but to bring upon us the heaviest Calamities ; they will not only hinder us from encreasing our Strength, but will sink us to the greatest Degree of Weakness ; they will not only impoverish us for the present, which may be sometimes the Effect of useful and beneficial Designs, but may depress us below a Possibility of Recovery, and reduce us to receive Laws from some Foreign Power.

This is indeed a dreadful Prospect, but what other can arise to us from a War with *France* ; with the most wealthy Nation of the Universe ; of which we were sufficiently shewn the Strength in the late War, by the small Resistance which all the surrounding Nations found it able to make against their united Efforts, and which the Debts that they then contracted, and the Towns that were then destroy'd, will not suffer them easily to forget. Of this Nation, my Lords, thus powerful, thus formidable, neither the Dominions are contracted nor the Trade impaired, nor the Inhabitants diminished. The *French* Armies are no less numerous than under their late mighty Monarch, their Territories are increased by new Acquisitions, their Trade has long been promoted by the Destruction of ours, and their Wealth has been by Consequence increased. They have not, my Lords, like this unhappy Nation, been exhausted by temporary Expedients, and useless Armaments ; they have not harrassed their Merchants to aggrandise the Court, nor thrown away the Opportunities which this Interval of Quiet has afforded them, in the Struggles of Faction ; they have not been multiplying Officers to betray the People, and taxing the People to support their Oppressors ; but have with equal Policy, Diligence, and Success, recovered the Losses which they then sustained, and enabled themselves to make another Stand against a general Confederacy.

Against this Kingdom, my Lords, are we now to be engag'd in a War, without Trade, and without Money,

loaded with Debts, and harrassed with Exactions ; for what Consequences can be expected from sending our Troops into the Frontier Towns, but that the *French* will charge us with beginning Hostilities, and declare War against us, or attack us without a Declaration, and that we shall be obliged to stand alone against the whole Power of the House of *Bourbon*, while all our ancient Allies stand at a Distance spiritless and intimidated, or perhaps secretly incite our Enemies against us, in hopes of sharing our Plunder, or of rising on our Ruin.

‘ I know it has been alledg’d, and alledg’d with such a Degree of Confidence as it is reasonable to hope nothing could produce but a Conscioufness of Truth, that the *Dutch* have already consented to assist us ; nor is it without Regret that I find myself oblig’d to declare, that this Assertion is nothing more than one of those transient Visions with which it has been for a long Time the Custom of *British* Ministers to delude the People, to pacify their Clamours, and lull them in Security ; one of those Artifices from which nothing more is expected that that it shall operate upon the Nation, till the Circumstances of our Affairs furnish out another, which is likewise in a short Time to be exploded only to make Way for new Falshoods in a perpetual Succession.

‘ Such, my Lords, is the Art of Government discover’d by the wonderful Sagacity of modern Statesmen, who have found out, that it is easier to palliate than to cure ; and that the People may be quieted by political Soporifics, while Diseases are preying upon them, while their Strength decays, and their Vitals are consumed.

‘ That these Falshoods prevail upon Mankind ; and that after the Discovery of one Cheat, another equally gross is patiently borne, cannot but raise the Wonder of a Man who views the World at a Distance, and who has not Opportunities of enquiring into the various Motives of Action or Belief : Such an one would be inclined to think us a Nation of Fools, that must be stilled with Rattles, or amused with Baubles ; and would readily conclude, that our Ministers were obliged to practise such Fallacies, because they could not prevail upon us by Motives adapted to reasonable Beings.

But if we reflect, my Lords, upon the different Principles upon which Reports like these are propagated and opposed, it will easily be discovered that their Success is not to be imputed either to superior Art on one Side, or uncommon Weakness on the other. It is well known that they are promoted by Men hired for that Purpose with large Salaries, or beneficial Employments, and that they can be opposed only from

from a Desire of detecting Falshood and advancing the publick Happiness : It is apparent that those who invent, those who circulate, and perhaps Part of those who counterfeit Belief of them, are incited by the Prospect of private Advantage and immediate Profit ; and that those who stop them in their Career by Contradiction and Objections, can propose no other Benefit to themselves, than that which they shall receive in common with every other Member of the Community ; and therefore whoever has sufficiently observed Mankind, to discover the Reason for which Self-Interest has in almost all Ages prevailed over publick Spirit, will be able to see why Reports like these are not always suppress'd by seasonable Detections.

An. 16. Geo. 11.

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' A Minister ought not to flatter himself that he has always deceived those who appear to credit his Representations ; their Silence is not so often the Effect of Credulity as of Cowardice or Indolence : Many are overborne by the Pomp of great Offices, and others who distinguish more clearly, and judge with greater Freedom, are contented to enjoy their own Reflections without reproving those whom they desire to reform.

' This Report of the Engagement of the *Dutch* in our Measures, shall however furnish our Ministers with no Opportunity of boasting their Address, nor shall it pass any longer without Contradiction ; for I shall without any Scruple affirm, in the Presence of this august Assembly, that the *Dutch* have hitherto appear'd absolutely neutral, that they have not shewn any Approbation of our Measures, nor any Inclination to assist us in them. I know, my Lords, how disagreeable this Assertion may be to those, whose Interest it is that Mankind should believe them of no less Importance in the Eyes of Foreign Powers than in their own ; and should imagine that the remotest Nations in the World are influenced by their Motions, and directed by their Counsels : But however they may resent this Declaration, I defy them to confute it ; and now call upon them to shew that the *Dutch* have engag'd in any Measures for the Support of the Queen of *Hungary*.

' The late Augmentation of twenty Thousand Men, which may possibly be mention'd as a Proof of their Intentions, shews nothing but that they pursue their own Interest with their usual Prudence and Attention ; and with such as it is to be wish'd that our Ministers would condescend to learn from them ; and that they are too wise to suffer the Towns from which the *Austrians* have, by our Persuasions, withdrawn their Troops, to fall into the Hands of the *French*. They

An. 16. Geo. II. have therefore substituted new Garrisons, but seem to have  
 1742 no Regard to the Interest of the Queen of *Hungary*, nor any  
 other View than that of providing for their own Security,  
 waiting the Event of the War, and laying hold of any Advantage that may accidentally be offer'd them.

' It may be urged farther by those who are desirous to deceive others, or willing to be deceived themselves ; that the Province of *Holland* has passed a Vote for assisting the Queen of *Hungary* with twenty Thousand Men : But if it be remembered, my Lords, that this must be a general Act of the United States, and that every Province has its own particular Views to gratify, and its own Interest to reconcile with the general Good, it may be very reasonably suspected, that this Assistance is yet rather the Object of Hope than Expectation ; it may justly be feared, that before so many various Dispositions will unite, and such different Schemes will be made consistent, the House of *Austria* may be ruined, our Forces may be destroy'd, and *Germany* enslav'd by the *French*. Then, my Lords, what will remain, but that we shall curse that Folly that involved us in distant Quarrels, and that Temerity which sent us out to oppose a Power which we could not withstand, and which incited us to waste that Treasure in Foreign Countries, which we may quickly want for the Defence of our own.

' It must be indeed confessed, that if an Estimate is to be made of our Condition from the Conduct of our Ministers, the Fear of exhausting our Treasure must be merely Panic ; and the Precepts of Frugality which other States have grown great by observing, are to us absolutely unnecessary. It may reasonably be imagin'd that we have some secret Mine, or hidden Repository of Gold, which no Degree of Extravagance can drain, and which may for ever supply the most lavish Expences without Diminution.

' For upon what other Supposition, my Lords, can any Man attempt a Defence of the Contract, by which we have obtained for one Campaign the Service of the Troops of *Hanover* ? What but the Confidence of Funds that can never be deficient could influence them to conclude a Stipulation, by which Levy-Money is to be paid for Troops of which not a single Regiment was raised for our Service or on the present Occasion ; which were established for the Security of the Electorate of *Hanover*, and would have been maintained, tho' we had not engaged in the Affairs of the Continent.

' What were the Reasons which induced our Ministry to employ the Forces of *Hanover*, it is perhaps not necessary to inquire. The only Motive that ought to have influenc'd them

them was the Prospect of obtaining them upon cheap Terms; An. 16 Geo. II.

for, my Lords, if the Troops of *Hanover* cannot be obtained but at the same Expence with those of *Great Britain*, I am not able to discover, why they should be preferred. I have never heard, my Lords, any uncommon Instance of *Hanoverian* Courage, that should incline us to trust the Cause of *Europe* rather to that Nation than to our own; and am inclined to believe, that *Great Britain* is able to produce Men equal in all military Virtues to any Native of that happy Country; a Country which though it was thought worthy to be secured by a Neutrality, when all the neighbouring Provinces were expos'd to the Ravages of War, I have never heard celebrated for any peculiar Excellencies; and of which I cannot but observe, that it was indebted for its Security rather to the Precaution of its Prince than the Bravery of its Inhabitants.

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' This Demand of Levy-Money shocks every *Briton* yet more strongly, on considering by whom it is required; required by that Family whom we have raised from a petty Dominion for which Homage was paid to a superior Power; and which was, perhaps, only suffered to retain the Appearance of a separate Sovereignty, because it was not worth the Labour and Expence of an Invasion; because it could neither increase Riches nor Titles, nor gratify either Avarice or Ambition; by a Family whom from Want and Weakness we have exalted to a Throne; from whence, with Virtue equal to their Power, they may issue their Mandates to the remotest Parts of the Earth, may prescribe the Course of War in distant Empires, and dictate Terms of Peace to half the Monarchs of the Globe.

' I should imagine, my Lords, that when a King of the House of *Hanover* surveys his Navies, reviews his Troops, or examines his Revenue; beholds the Splendour of his Court, or contemplates the Extent of his Dominions, he cannot but sometimes, however unwillingly, compare his present State with that of his Ancestors; and that when he gives Audience to the Ambassadors of Princes, who perhaps never heard of *Hanover*, and directs the Payment of Sums, by the smallest of which all his ancient Inheritance would be dearly purchased; and reflects, as he surely sometimes will, that all these Honours and Riches, this Reverence from Foreign Powers, and his Domestick Splendour, are the gratuitous and voluntary Gifts of the mighty People of *Great Britain*, he should find his Heart overflowing with unlimited Gratitude, and should be ready to sacrifice to the Happiness of his Benefactors, not only every petty Interest, or accidental



An. 16. Geo. II.  
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Inclination, but even his Repose, his Safety, or his Life ; that he should be ready to ease them of every Burthen before they complained, and to aid them with all his Power before they requested his Assistance ; that he should consider his little Territories as only a contemptible Province to his *British* Kingdom, a Kind of Nursery for Troops to be employed without harrassing his more valuable Subjects.

‘ It might be at least hoped, my Lords, that the Princes of the House of *Hanover* might have the same Regard to this Nation, as to Kings from whom they never received any Benefit, and whom they ought in Reality always to have consider’d as Enemies ; yet even from such Levy-Money was not always required, or if required was not always received.

‘ There was once a Time, my Lords, before any of this Race wore the Crown of *Great Britain*, when the great *French* Monarch, *Lewis XIV.* being under a Necessity of hiring Auxiliary Troops, applied to the Duke of *Hanover*, as a Prince whose Necessities would naturally incline him to set the Lives of his Subjects at a cheap Rate : The Duke pleased with an Opportunity of trafficking with so wealthy a Monarch, readily promised a Supply of Troops ; and demanded Levy-Money to be paid him, that he might be enabled to raise them. But *Hanoverian* Reputation was not then raised so high, as that the *French* King should trust him with his Money. *Lewis* suspected, and made no Scruple of declaring his Suspicion, that the Demand of Levy-Money was only a Pretence to obtain a Sum which would never afterwards be repaid, and for which no Troops would be obtained ; and therefore with his usual Prudence insinuated, that the Troops should first march and then be paid. Thus for some Time the Treaty was at a Stand : But the King being equally in Want of Men as the Duke of Money ; and perceiving, perhaps, that it was really impracticable for so indigent a Prince to raise Troops without some pecuniary Assistance, offered him at length a small Sum, which was gladly accepted, tho’ much below the original Demand. The Troops were engaged in the Service of *France* ; and the Duke of *Hanover* thought himself happy in being able to amuse himself at his Leisure with the Rattle of the Money.

‘ Such, my Lords, were the Conditions on which the Troops of *Hanover* were furnished in former Times ; and surely what could then be produced by the Love of Money, or the Awe of a superior Power, might now be expected as the Effect of Gratitude and Kindness.

‘ But not to dwell any longer, my Lords, upon particular Circumstances of Measures, of which the whole Scheme is contrary

contrary to the apparent Interest of this Kingdom, I shall not inquire farther, why Auxiliaries are employ'd on this Occasion rather than *Britons*, rather than those whose Bravery is celebrated to the most distant Corners of the Earth? Why, if Mercenaries are necessary, those of *Hanover* are preferred to others? Or why, if they are indeed preferable, they are now to be hired at a dearer Rate than at any former Time. It appears to me of far more Importance to undermine the Foundation, than to batter the Superstructure of our present System of Politicks; and of greater Use to inquire, why we have engaged in a War on the Continent, than why we carry it on with ridiculous Profusion.

' It appears to me, my Lords, that there are many Reasons, which, with the same Circumstances, would have withheld any Nation but this from such a dangerous Interposition. The *Dutch* we see are content to look on without Action, tho' they are more interested in the Event, and less embarrassed on any other Side. We are already engag'd in a War of which no Man can foresee the Conclusion; but which cannot be ended unsuccessfully without the utmost Danger to our most important Interests; and which yet has hitherto produced only Losses and Disgrace, has impoverished our Merchants, and intimidated our Soldiers. Whether these Losses are the Effects of Weakness or Treachery, is a Question which I am not ambitious of endeavouring to decide, and of which the Decision is, indeed, by no Means necessary in the present Debate; since if we are too weak to struggle with *Spain* unassisted as she is, and embarrassed with different Views, I need not say what will be our Condition, when the whole House of *Bourbon* shall be combined against us; when that Nation which stood alone for so many Years against the united Efforts of *Europe*, shall attack us exhausted with Taxes, enervated with Corruption, and disunited from all Allies. Whether the Troops of *Hanover* will assist us at that Time, I cannot determine: Perhaps in the Destruction of the *British* Dominions it may be thought expedient to secure a more valuable and important Country by a timely Neutrality; but if we have any Auxiliaries from thence, we must then necessarily obtain them upon cheaper Terms.

' If our Inactivity in the *European* Seas, and our ill Success in those of the *West Indies* be, as it is generally suspected, the Consequence of perfidious Counsels, and private Machinations; if our Fleets are sent out with Orders to make no Attempt against our Enemies, or our Admirals commanded to retreat before them; surely no higher Degree  
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An. 16. Geo. II.  
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of Madneſs can be imagined, than that of provoking new Enemies before we have experienced a Change of Counſels ; and found Reaſon to place in our Miniſters and Stateſmen that Confidence which War abſolutely requires.

‘ This is the Conduct, my Lords, which I ſhould think moſt rational, even tho’ we were attack’d in ſome of our real Rights, and tho’ the Quarrel about which we were debating was our own ; I ſhould think the neareſt Danger the greateſt, and ſhould adviſe Patience under Foreign Inſults, till we had redreſſed our domeſtick Grievances ; till we had driven Treachery from the Court and Corruption from the Parliament : But much more proper do I think this Conduct, when we are invited only to engage in diſtant War, in a Diſpute about the Dominion of Princes in the Bowels of the Continent ; of Princes of whom it is not certain, that we ſhall receive either Advantage or Security from their Greatneſs, or that we ſhould ſuffer any Loſs or Injury by their Fall.

‘ But, my Lords, I know it will be answered, that the Queen of *Hungary* has a Right by Treaty to our Aſſiſtance ; and that in becoming Guarantees of the Pragmatick Sanction, we engaged to ſupport her in the Dominions of her Anceſtors. This, my Lords, is an Answer the Juſtneſs of which I do not deny, and the Strength of which I will not attempt to invalidate. I allow, that ſuch a Stipulation was made, and that Treaties ought to be obſerved, at whatever Hazard, with unviolated Faith. It has been indeed objected, that many Nations engaged with us in the ſame Treaty, whom Intereſt or Cowardice have inclined to neglect it ; and that we ought not to become the ſtanding Garriſon of *Europe*, or to defend alone thoſe Territories, to the Preſervation of which ſo many Princes are oblig’d to contribute equally with ourſelves. But this, my Lords, appears to me an Argument of which the ill Conſequences can never be fully diſcover’d ; an Argument which diſſolves all the Obligations of Contracts, deſtroys the Foundation of moral Juſtice, and lays Society open to all the Miſchiefs of Perſidy, by making the Validity of Oaths and Contracts dependent upon Chance, and regulating the Duties of one Man by the Conduct of another. I pretend not, my Lords, to long Experience, and therefore, in diſcuſſing intricate Queſtions, may be eaſily miſtaken ; but as, in my Opinion, my Lords, Morality is ſeldom difficult but when it is clouded with an Intention to deceive others or ourſelves, I ſhall venture to declare with more Confidence, that in Proportion as one Man neglects his Duty, another is more ſtrictly obliged to practice

tise his own, that his Example may not help forward the general Corruption, and that those who are injured by the Perfidy of others may from his Sincerity have a Prospect of Relief.

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‘ I believe all Politicks that are not founded on Morality will be found fallacious and destructive; if not immediately, to those who practice them, yet consequentially, by their general Tendency to disturb Society, and weaken those Obligations which maintain the Order of the World. I shall therefore allow, that what Justice requires from a private Man, becomes, in parallel Circumstances, the Duty of a Nation; and shall therefore never advise the Violation of a solemn Treaty. The Stipulations in which we engaged, when we became Guarantees of the Pragmatick Sanction, are doubtless to be observed; and it is therefore one of the strongest Objections against the Measures which we are now pursuing, that we shall be perfidious at a greater Expence than Fidelity would have required; and shall exhaust the Treasure of the Nation without assisting the Queen of Hungary.

‘ To explain this Assertion, my Lords, it is necessary to take a View of the Constitution of the *Germanic* Body, which consists of a great Number of separate Governments independent on each other; but subject in some Degree to the Emperor as the general Head. The Subjects of each State are governed by their Prince, and owe no Allegiance to any other Sovereign; but the Prince performs Homage to the Emperor; and having thereby acknowledged himself his Feudatory or Dependent, may be punished for Rebellion against him by the Imperial Ban. The Title of the Emperor, and consequently his Claim to this Allegiance, and the Right of issuing the Ban against those who shall refuse it, is confirmed by many solemn Acknowledgments of the Diet, and amongst others by the Grant of Pecuniary Aid: This the present Emperor has indisputably received, an Aid having been already granted him, in the Diet, of a Subsidy for eighteen Months; and therefore none of the Troops of *Germany* can now be employed against him, without subjecting the Prince to whom they belong to the Censure of the Ban, a Kind of Civil Excommunication.

‘ To what Purpose then, my Lords, are we to hire, at a Rate never paid, or perhaps demanded before, Troops which cannot serve us without subjecting their Prince to the Charge of Rebellion; or how shall we assist the Queen of *Hungary* by collecting Forces which dare not act against the only Enemy which she has now to fear? Or in what new Difficulties shall

An. 16. Geo. II. shall we be engaged, should the inestimable Dominions of *Hanover* be subjected to the Imperial Interdict.

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‘ These, my Lords, are Questions to which, I hope, we shall hear a more satisfactory Answer than I am able to conceive ; for indeed, I do not see what remains, but to confess, that these Troops are hired only for a Military Show, to amuse this Nation with a false Appearance of Zeal for the Preservation of *Europe*, and to increase the Treasures of *Hanover* at the Expence of *Great Britain*.

‘ These are Designs, my Lords, which no Man will avow ; and yet these are the only Designs which I can yet discover ; and therefore I shall oppose all the Measures that tend to their Execution. If the Heat of Indignation, or the Asperity of Resentment, or the Wantonness of Contempt, have betrayed me into any Expressions unworthy of the Dignity of this House, I hope they will be forgiven by your Lordships : For any other Degree of Freedom I shall make no Apology ; having, as a Peer, a Right to deliver my Opinion, and as a *Briton*, to assert the Independence of my native Country ; when I see, or imagine myself to see, that it is ignominiously or illegally subjected to the Promotion of the petty Interest of the Province of *Hanover*.’

Then Lord *Carteret* rose up and made Answer to the following Effect :

*My Lords,*

Lord *Carteret*.

‘ As I doubt not but I shall be able to justify the Measures which are now pursued, in such a Manner as may entitle them to the Approbation of your Lordships, I proposed to hear all the Objections that should be made, before I attempted a Vindication ; that the Debate might be shortened, and that the Arguments on both Sides might be considered as placed in the full Strength of Opposition ; that it might be discerned how Objections, however specious in themselves, would vanish before the Light of Reason and Truth.

‘ But the noble Lord has made it necessary for me to alter my Design, by a Speech which I will not applaud, because it has, in my Opinion, an ill Tendency ; nor censure, because it wanted neither the Splendour of Eloquence, nor the Arts of Reasoning ; and had no other Defect than that which must always be produced by a bad Cause, Fallacy in the Arguments, and Errors in the Assertions.

‘ This Speech I am obliged to answer, because his Lordship has been pleased to call out for any Lord who will assert, that the *Dutch* have agreed to concur with us in assisting

assisting the Queen of *Hungary*. That all the Provinces of that Republick have agreed to assist us, is, indeed, not true ; nor do I know, my Lords, by whom or upon what Authority it was asserted ; but the Concurrence of the Province of *Holland*, the most important of all, and whose Example the rest seldom delay to follow ; has been obtained ; which is sufficient to encourage us to vigorous Resolutions, by which the rest may be animated to a speedy Compliance.

An. 16. Geo. II.  
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‘ The Concurrence of this Province has been already the Consequence of the Measures which have been lately pursued ; Measures from which, tho’ just and successful, the Ministry cannot claim much Applause ; because all Choice was denied, and they were obliged either to remain passive Spectators of the Ruin of *Europe* and, by Consequence of *Great Britain*, or to do what they have done. And surely, my Lords, That Necessity which deprives them of all Claim to Panegyrick will be likewise a sufficient Security from Censure. There is, indeed, no Reason to fear Censure from Judges so candid and experienc’d as your Lordships, to whom it may, without Difficulty, be proved, that the Balance of *Europe* has already changed its Position, and the House of *Bourbon* is now not able to preponderate against the other Powers.

‘ By entering into an Alliance with *Sardinia*, we have taken from the Crown of *Spain* all the Weight of the ancient Territories of *Spain*, of which the *Austrian* Forces are now in Possession, without Fear or Danger of being interrupted, while the Passes of the Ocean are shut by the Fleets of *Great Britain*, and those of the Mountains by the Troops of *Sardinia*.

‘ Those unhappy Forces which are transported by the *Spanish* Fleet are not only lost to their native Country, but exposed without Provision, without Ammunition, without Retreat, and without Hope ; nor can any human Prospect discover, how they can escape Destruction, either by the Fatigue of Marches or the Want of Necessaries, or the superior Force of an Army well supplied and elated with Success.

‘ This, my Lords, is an Embarrassment from which the *Spaniards* would gladly be freed at any Expence, from which they would bribe us to relieve them by permitting the Demolition of new Fortresses, or restoring the Army which we lost at *Carthage*.

‘ Of this Alliance the Queen of *Hungary* already finds the Advantage, as it preserves Countries in her Possession, which  
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**AN. 16. Geo. II.** if once lost, it might be impossible to recover ; and sets her  
 1743. free from the Necessity of dividing her Army for the Protection of distant Territories.

‘ Thus, my Lords, the *Spaniards* are obstructed and distrustful : Of their Armies one is condemned to waste away at the Feet of impassible Mountains, only to hear of the Destruction of their Countrymen, whom they are endeavouring to relieve, and the Establishment of Peace in those Regions of which they had projected the Conquest ; and the other, yet more unfortunate, has been successfully transported, only to see that Fleet which permitted their Passage preclude their Supplies, and hinder their Retreat.

‘ Nor do we, my Lords, after having thus efficaciously opposed one of the Princes of the House of *Bourbon*, fear or shun the Resentment of the other ; we doubt not to shew, that *Great Britain* is still able to retard the Arms of the haughty *French*, and to drive them back from the Invasion of other Kingdoms to the Defence of their own. The Time is at hand, my Lords, in which it will appear, that however the Power of *France* has been exaggerated, with whatever Servility her Protection has been courted, and with whatever Meanness her Insolence has been born, this Nation has not yet lost its Influence or its Strength ; that it is yet able to fill the Continent with Armies, to afford Protection to its Allies, and to strike Terror into those who have hitherto trampled under Foot the Faith of Treaties and Rights of Sovereigns, and ranged over the Dominions of the neighbouring Princes, with the Security of lawful Possessors, and the Pride of Conquerors.

‘ It has been alledged by the noble Lord, that this Change is not to be expected from an Army composed of Auxiliary Troops from any of the Provinces of the *German Empire* ; because they cannot act against the General Head. I can easily, my Lords, solve the Difficulty, from my long Acquaintance with the Constitution of the Empire, which I understood before the noble Lord, who has entertained you with a Discourse upon it, was in Being ; but I will not engross your Time or retard your Determination by a superfluous Disquisition, which may be now safely omitted, since I am allowed by his Majesty to assure your Lordships, that the *Hessian* and *Hanoverian* Troops shall be employed in assisting the Queen of *Hungary*, and that they have already received Orders to make the Preparations necessary for marching into the Empire.

‘ After this Declaration, my Lords, the most formidable Objection against the present Measures will, I hope, be no  
 more

more heard in this Debate ; for it will be by no Means proper for any Lord to renew it by inquiring, whether his Majesty's Resolution is not a Breach of the Imperial Constitution, or whether it will not expose his Electoral Dominions to Danger. For it is not our Province to judge of the Laws of other Nations, to examine when they are violated or to enforce the Observation of them ; nor is it necessary, since the Interests of *Great Britain* and *Hanover* are irreconcilably opposite, to endeavour the Preservation of Dominions which their own Sovereign is inclined to hazard.

' Thus, my Lords, I hope it appears, that the common Interest of *Great Britain* and *Europe* is steadily pursued ; that the *Spaniards* feel the Effects of a War with *Great Britain* by their Distress and Embarrassment ; that the Queen of *Hungary* discovers that the antient Allies of her Family have not deserted her ; and that *France* amidst her Boasts and her Projects, perceives the determin'd Opposers of her Grandeur again setting her at Defiance.

An. 16. Geo. II.

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The Duke of *Bedford* spoke to the following Effect.

*My Lords,*

' The Assurance, which the noble Lord who spoke last Duke of *Bedford* declares himself to have conceived of being able to demonstrate the Propriety of the present Measures, must surely arise from some Intelligence which has been hitherto suppressed, or some Knowledge of future Events peculiar to himself ; for I cannot discover any Force, in the Arguments which he has been pleased to use, that could produce in him such Confidence of Success, nor any Circumstances in the present Appearance of *Europe*, that do not seem to demand a different Conduct.

' The Reasonableness of our Measures at this Time, as at all others, must be evinced by Arguments drawn from an attentive Review of the State of our own Country compared with that of the neighbouring Nations ; for no Man will deny, that those Methods of Proceeding which are at one Time used, may at another be pernicious ; and that either a gradual Rotation of Power, or a casual Variation of Interest, may very properly produce Changes in the Counsels of the most steady and vigorous Administration.

' It is, therefore, proper in the Examination of this Question to consider what is the State of our own Nation, and what is to be hoped or feared from the Condition of those Kingdoms, which are most enabled by their Situation to benefit or hurt us : And upon Inquiry, my Lords, an Inquiry that can give little Pleasure to an honest and benevolent Mind, it immediately occurs, that we are a Nation exhausted by



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a long War, and impoverished by the Diminution of our Commerce ; and the Result, therefore, of this first Consideration is, that those Measures are most eligible which are most frugal, and that to waste the publick Treasure in unnecessary Expences, or to load the People with new Taxes only to display a Mockery of War on the Continent, or to amuse ourselves, our Allies, and our Enemies, with the idle Ostentation of unnecessary Numbers, is to drain from the Nation the last Remains of its antient Vigour, instead of assisting its Recovery from its present Difficulties.

‘ But Money, however valuable, however necessary, has sometimes been imprudently and unseasonably spared, and an ill-timed Parsimony has been known to hasten Calamities, by which those have been deprived of all who would not endeavour to preserve it by the Loss of Part. It is, therefore, to be considered, whether Measures less expensive would not have been more dangerous, and whether we have not by hiring foreign Troops, though at a very high Rate, at a Rate which would have been demanded from no other Nation, purchased an Exemption from Distresses, Insults and Invasions.

‘ The only Nations my Lords, whom we have any Reason to suspect of a Design to invade us, or that have Power to put any such Design in Execution, are well known to be the *French* and *Spaniards* ; from these indeed it may justly be expected, that they will omit no Opportunity of gratifying that Hatred which Difference of Religion and Contrariety of Interest cannot fail to continue from Age to Age ; and therefore we ought never to imagine ourselves safe while it is in their Power to endanger us. But of those two Nations, my Lords, the one is already disarmed by the Navies of *Great Britain*, which confine their Fleets to their Harbours, and as we have been just now informed, preclude her Armies from Supplies : The other has not a Fleet able to transport an Army ; her Troops are dispersed into different Countries, and her Treasures exhausted by Expeditions or Negotiations equally expensive.

‘ There is therefore, my Lords, no Danger of an Invasion, even though we had no Forces by which it could be opposed ; but much less is it to be feared, when it is remembered that the Sea is covered with our Ships of War, and that all the Coasts of *Europe* are awed and alarmed by the Navies of *Great Britain*.

‘ This then, my Lords is surely the Time, when we ought not to have sacrificed any immediate and apparent Interest to the Fear of Attempts from *Spain* or *France* ; when we might without Danger have assisted our Allies with our  
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Troops, and have spared that Money which we have so lavishly bestowed upon Auxiliaries ; when we might securely have shown the Powers of the Continent how much the *British* Valour is yet to be feared, and how little our late Losses or Disgraces are to be imputed to the Decline of our Courage or our Strength.

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‘ I suppose, my Lords, no Man will confess, that foreign Troops have been hired as more to be trusted for their Skill or Bravery than our own. To dispute the Palm of Courage with any Nation would be a Reproach to the *British* Name ; and if our Soldiers are not at least equally disciplined with those of other Countries, it must be own'd, that Taxes have been long paid to little Purpose, that the Glitter of Reviews has been justly ridiculed as an empty Show, and that we have long been flattered by our Ministers and Generals with false Security.

‘ But though I am far from believing that the Army has been supported only for the Defence of our Country ; and though I know, that their Officers are frequently engaged in Employments more important, in the Opinion of their Directors, than that of regulating the Discipline of their Regiments, and teaching the Use of Arms and the Science of War ; yet, as I believe the Courage of *Great Britain* such as may often supply the Want of Skill, I cannot but conclude, that they are at least as formidable as the Troops of other Countries, especially when I remember, that they enter the Field incited and supported by the Reputation of their Country.

‘ Why then, my-Lords, is the Nation condemned to support at once a double Burthen : To pay at home an Army which can be of no Use, and to hire Auxiliaries, perhaps, equally inactive : To make War, if any War be intended, at an unnecessary Expence ; and to pay, at once, a Fleet which only floats upon the Ocean, an Army which only awes the Villages from which it is supported, and a Body of Mercenaries of which no Man can yet conjecture with what Design they have been retained.

‘ That they are intended for the Support of the Queen of *Hungary* has been, indeed, asserted ; and this Contract has been produced as an Instance of the Zeal of our Ministers for the Assertion of the Pragmatic Sanction, the Preservation of the Liberties of *Europe*, and the Suppression of the ambitious Enterprizes of the House of *Bourbon* ; but surely, my Lords, had the Assistance of that illustrious Princess been their sole or principal Intention, had they in Reality dedicated the Sum which is to be received by the Troops of *Hanover*, to the sacred Cause of publick Faith and universal Liberty, they might

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might have found Methods of promoting it much more efficaciously at no greater Expence. Had they remitted that Money to the Queen, she would have been enabled to call Nations to her Standard, to fill the Plains of *Germany* with the hardy Inhabitants of the Mountains and the Desarts, and have deluged the Kingdom of *France*, with Multitudes equally daring and rapacious, who would have descended upon a fruitful Country like Vultures on their Prey, and have laid those Provinces in Ruin which now smile at the Devastation of neighbouring Countries, secure in the Protection of their mighty Monarch.

‘ By this Method of carrying on the War, we might have secured our Ally from Danger, which I cannot but think imminent and formidable, though it seems at present not to be feared. By so large an Addition to her Troops she would have been enabled to frustrate those Designs, which her Success may incline the King of *Prussia* to form against her; for with whatever Tranquillity he may now seem to look upon this general Commotion, his Conduct gives us no Reason to imagine that he has changed his Maxims, that he is now forgetful or negligent of his own Interest, or that he will not snatch the first Opportunity of aggrandising himself by new Pretensions to the Queen of *Hungary’s* Dominions.

‘ At least, my Lords, it may without Scruple be asserted, that the Hopes which some either form, or affect, of engaging him in a Confederacy for the Support of the Pragmatick Sanction, are merely chimerical. He who has hitherto considered no Interest but his own: He who has perhaps endangered himself by attempting to weaken the only Power to which he, as well as the other Princes of the Empire, can have Recourse for Protection from the Ambition of *France*; and has therefore broken the Rules of Policy only to gratify a favourite Passion, will scarcely concur in the Exaltation of that Family which he has so lately endeavoured to depress, and which he has so much exasperated against him. If he is at length, my Lords, alarmed at the Ambition of the House of *Bourbon*, and has learned not to facilitate those Designs which are in reality formed against himself, it cannot be doubted, that he looks with equal Fear on the House of *Austria*; that he knows his Safety to consist only in the Weakness of both; and that in any Contest between them, the utmost that can be hoped from him is a Neutrality.

‘ But, my Lords, he whose Security depends only on a Supposition, that Men will not deviate from right Reason or true Policy, is in a State which can afford him very little Tranquillity or Confidence. Whatever is necessarily to be pre-  
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served ought to be defended, not only from certain and constant Danger, but from casual and possible Injuries ; and amongst the rest, from those which may proceed from the Mutability of Will, or the Depravation of Understanding ; nor shall we sufficiently establish the House of *Austria*, if we leave it liable to be shaken, whenever the King of *Prussia* shall feel his Ambition re-kindled, or his Malevolence excited ; we must not leave it dependent on the Friendship or Policy of the neighbouring Powers, but must enable it once more to awe the Empire, and set at Defiance the Malice of its Enemies.

An. 16. Geo. 11.

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‘ This, my Lords, might have been done by a liberal Subsidy, by which Armies might have been levied, Garrisons established, and Cities fortified ; and why any other Method was pursued, what Reason can be assigned ? What, but an Inclination to aggrandize and enrich a contemptible Province, and to deck with the Plunder of *Great Britain* the Electorate of *Hanover* ?

‘ It has been suspected, my Lords, nor has the Suspicion been without Foundation, that our Measures have long been regulated by the Interest of his Majesty’s Electoral Territories ; these have been long considered as a Gulph into which the Treasures of this Nation have been thrown ; and it has been observed, that the State of that Country has, since the Accession of its Princes to this Throne, been changed without any visible Cause ; — Affluence has begun to wanton in their Towns, and Gold to glitter in their Cottages, without the Discovery of Mines, or the Increase of their Trade ; — And new Dominions have been purchased, of which it can scarcely be imagined that the Value was paid out of the Revenue of *Hanover*.

‘ This, my Lords, is unpopular, illegal and unjust ; yet this might be borne in Consideration of great Advantages of the Protection of our Trade, and the Support of our Honour. But there are Men who dare to whisper, and who, perhaps, if their Suspicions receive new Confirmation, will publicly declare, that for the Preservation of *Hanover*, our Commerce has been neglected, and our Honour impair’d ; that to secure *Hanover* from Invasion, the House of *Bourbon* has been courted, and the Family of *Austria* embarrassed and depressed. These Men assert, without Hesitation, that when we enter’d into a League with *France* against the Emperor and the *Spaniards*, in the Reign of the late King, no Part of the *British* Dominions were in Danger ; and that the Alarm which was raised to reconcile the Nation to Measures so contrary to those which former Ages had pursued, was a seditious detestable Artifice of wicked Policy, by which *Great*

An. 16. Geo. II. *Britain* was engaged in the Defence of Dominions to which we owe no Regard, as we can receive no real Advantage from them.

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‘ It were to be wished, that no late Instance could be produced of Conduct regulated by the same Principles ; and that this shameful, this pernicious Partiality had been universally allow’d to have ceased with the late Reign ; but it has never yet been shewn, that the late Neutrality, by which *Hanover* was preserved, did not restrain the Arms of *Great Britain* ; nor when it has been asked, why the *Spanish* Army was, when within Reach of the Cannon of the *British* Navy, peaceably transported to *France*, has any other Reason been assigned than that the Transports could not be destroy’d without a Breach of the Neutrality of *Hanover* ?

‘ This, my Lords, is a Subject on which I could have only been induced to dwell by my Zeal for the present Establishment, and my personal Affection for his Majesty. It is universally allow’d, that not only the Honour and Prosperity, but the Safety of a *British* Monarch depends upon the Affection of his Subjects ; and that neither splendid Levees, nor large Revenues, nor standing Armies, can secure his Happiness or his Power any longer than the People are convinced of his Tendernefs and Regard, of his Attention to their Complaints and his Zeal for their Interest. If therefore it should ever be generally believed, that our King considers this Nation only as appendent to his Electoral Dominions ; that he promotes the Interest of his former Subjects at the Expence of those by whom he has been exalted to the *British* Throne ; and that our Commerce, our Treasures and our Lives are sacrificed to the Safety, or to the Enlargement of distant Territories, what can be expected ? What but Murmurs, Disaffection, and Distrust, and their natural Consequences, Insurrection and Rebellion ; Rebellion of which no Man can foresee the Event, and by which that Man may perhaps be placed upon the Throne, whom we have so wisely excluded and so solemnly abjured.

‘ Of this unreasonable Regard to the Interest of *Hanover*, the Contract which we are now considering exhibits, if not a Proof too apparent to be denied, yet such an Appearance as we ought for our own Sakes and that of his Majesty to obviate ; and therefore I think the Address which is now proposed in the highest Degree reasonable ; and am convinced, that by complying with our Request his Majesty will regain the Affections of many of his Subjects whom a long Train of pernicious Measures have filled with Discontent, and preserve the Loyalty of many others, who by artful Representations of the Motives and Consequences of this Contract, may be alienated and perverted.

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Then Lord *Bathurst* \* reply'd as follows :

An. 16: Geo. II.  
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*My Lords,*

' As I have no Reason to doubt of the noble Duke's Affection to the present Royal Family, I am convinced, that the Ardour of his Expressions are the Effect of his Zeal, and that the Force of his Representations proceeds only from the Strength of his Conviction; and therefore I am far from intending to censure any accidental Negligence of Language, or any seeming Asperity of Sentiment. I know, that the Openness and Dignity of Mind which has incited him to declare his Opinion with so much Freedom, will induce him likewise to retract it, when he shall be convinced, that he has been deceived by false Representations, or that he has formed his Conclusions too hastily without an attentive Examination of the Question in its whole Extent.

' I shall therefore endeavour to explain the Motives upon which all these Measures have been formed, which we have heard so warmly censured; and shew, that they were the Consequences not of Haste and Negligence, but of Vigilance and Circumspection; that they were formed upon a deliberate Survey of the complicated Interests of the *European* Powers, and dictated not by a Partiality to *Hanover*, but a faithful Attention to the Interest of *Great Britain*.

' It has been already observed by a noble Lord, that there was no Choice allow'd us; that the State of *Europe* required that we should not sit unactive; and that yet there was no other Method of acting by which we could benefit our Allies or injure our Enemies; and that therefore though our Interposition had not produc'd all the Effects which our Zeal might incline us to wish, yet our Conduct ought not to be condemn'd; because, though we did not press forward through the nearest Path to the great Object of our Pursuit, we exerted our utmost Speed in the only Way that was left open. This, my Lords, is in my Opinion, a very just Apology; nor do I see, that this Vindication can be confuted or invalidated otherwise than by shewing, that some different Measures, Measures equally reasonable, were equally in our Power.

' But because the Plea of Necessity may perhaps be evaded; and because it is at least pleasing to discover, that what was necessary was likewise convenient, I shall endeavour to shew, that our Measures have produced already such Effects as have sufficiently rewarded our Expences; and that we may yet reasonably hope, that greater Advantages will arise from them.

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\* Appointed Captain of the Band of Gentlemen Pensioners, at the Close of the first Session. See P. 216.

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‘ There are, indeed, some whom it will not be easy to satisfy, some who declare not against the Manner in which the War is prosecuted, but against the War itself; who think the Power of *France* too formidable to be opposed, and the *British* People too much exhausted or enervated, to hold any longer the Balance of the Continent.

‘ I have indeed, my Lords, always declared myself of a different Opinion, and have frequently endeavoured to rouse others from a Kind of indolent Despair and tame Acquiescence in the Attempts of the *French*, by Representations of the Wealth and Force, the Influence and Alliances of our own Nation. I have often asserted, that I did not doubt but her Conquests might be stopp’d by vigorous Opposition, and that the Current of her Power which had by artificial Machines of Policy been rais’d higher than its Source, would subside and stagnate, when its Course was no longer assisted by Cowardice, and its Way levell’d by Submission.

‘ These, my Lords, were my Sentiments, and this was my Language, at a Time when all the Powers of *Europe* conspir’d to flatter the Pride of *France* by falling at her Feet, when her Nod was solicitously watch’d by all the Princes of the Empire, when there was no Safety but by her Protection, nor any Enterprize but by her Permission; when her Wealth influenced the Councils of Nations, when War was declared at her Command in the remotest Corners of *Europe*, and every Contest was submitted to her Arbitration.

‘ Even at this Time, my Lords, was I sufficiently confident of the Power of my own Country to set at Defiance in my own Mind this gigantick State. I consider’d all Additions to its Greatness rather as the Tumour of Disease than the Shootings of Vigour, and thought that its Nerves grew weaker as its Corpulence encreased. Of my own Nation I saw, that neither its Numbers nor its Courage were diminished, I had no Reason to believe our Soldiers or our Sailors less brave than their Fathers; and therefore imagined, that whenever they should be led out against the same Enemies, they would fight with the same Superiority, and the same Success.

‘ But for these Hopes, my Lords, I was sometimes pitied, by those who thought themselves better acquainted with the State of *Europe* than myself; and sometimes ridiculed by those who had been long accusom’d to depress their own Country, and to represent *Great Britain* as only the Shadow of what it once was, to deride our Armies and our Fleets, and describe us impoverish’d and corrupted, sunk into Cowardice and delighted with Slavery.

‘ That my Opinion is now likely to be justified, and that those

those who have hitherto so confidently opposed me will soon be oblig'd to acknowledge their Mistake, is of very small Importance; nor is my Self-love so predominant as to incline me to reckon the Confirmation of my Predictions, or the Vindication of my Sagacity, among the Benefits which we are now about to receive. We are now soon to be convinced, that *France* is not irresistible, not irresistible to *Great Britain*: We are now to see the Embroilers of the Universe entangled in their own Schemes, and the Depopulators of Kingdoms destroy'd in those Fields which they have so wantonly laid waste: We shall see Justice triumphant over Oppression, and Insolence trampled by those whom she has despised. We shall see the Powers of *Europe* once more equally balanced, and the Balance plac'd again in the Hands of *Great Britain*.

' It has been affirmed by a noble Lord in this Debate, that our Armies in *Flanders* are useless, and that our Motions have given neither Courage nor Strength to any other Powers; that the Queen of *Hungary* is yet equally distress'd, and that the *French* still pursue their Schemes, without any Interruption from us or our Allies: His Lordship has ask'd, upon what Events these Expectations are founded; and has alledged, that we have no such Revolutions to hope from the Measures that have been hitherto pursued: I shall hope, nevertheless by an impartial Account of the present State of the Continent, to shew that his Assertions are groundless, and his Opinion erroneous.

' The Inactivity of our Army in *Flanders* has, indeed, furnished a popular Topic of Declamation and Ridicule. It is well known how little the Bulk of Mankind are acquainted either with Arts of Policy or of War; how imperfectly they must always understand the Conduct of Ministers or Generals, and with what Partiality they always determine in Favour of their own Nation. Ignorance, my Lords, conjoined with Partiality, must always produce Expectations which no Address nor Courage can gratify; and it is scarcely therefore to be hoped, that the People will be satisfied with any Account of the Conduct of our Generals which does not inform them of Sieges and Battles, Slaughter and Devastation: They expect that a *British* Army should over-run the Continent in a Summer, that Towns should surrender at their Summons, and Legions retire at their Shout; that they should drive Nations before them, and conquer Empires by marching over them.

' Such, my Lords, are the Effects which the People of *Great Britain* expect; and as they have hitherto been disappointed, their Disappointment inclines them to complain. They think an Army useless which gains no Victories, and



ask to what Purpose the Sword is drawn, if the Blood of their Enemies is not to be shed ? But these are not the Sentiments of your Lordships, whose Acquaintance with publick Affairs informs you, that Victories are often gained where no Standards are taken, nor News-Papers fill'd with Lists of the Slain ; and that by drawing the Sword opportunely the Necessity of striking is often prevented. You know, that the Army which hovers over a Country, and draws the Forces which defend it to one Part, may destroy it without invading it, by exposing it to the Invasion of another ; and that he who withholds an Army from Action is not less useful to its Ally than he that defeats it.

‘ This, my Lords is the present Use of our Troops in *Flanders* ; the *French* are kept in continual Terror, and are oblig'd to detach to that Frontier those Troops which, had they not been thus diverted, would have been employ'd in the Empire ; and surely an Army is not unactive which withholds a double Number from prosecuting their Design.

‘ That our Motions have not encouraged other Powers to fulfil their Engagements, or to unite in the Defence of the general Liberty of *Europe*, cannot truly be asserted. The *Dutch* apparently waken from their Slumber, whether it was real or affected ; they at least discover less Fear of the *French*, and have already given such Proofs of their Inclination to join with us as may encourage us to expect, that they will in a short Time form with us another Confederacy, and employ their utmost Efforts in the Common Cause.

‘ What they have already offered will at least enable us to assist the Queen of *Hungary* with greater Numbers, and Her to employ her Troops where she is most pressed ; for they have engaged to garrison the Towns of *Flanders*, which since they cannot be evacuated, is in effect an Offer of Auxiliary Troops ; since if those Forces had been added to the *Austrian* Army, an equal Number of *Austrians* must have been withdrawn to garrison the Frontier.

‘ It is therefore without Reason, that narrow-minded Censurers charge us with becoming the Slaves of the *Dutch*, with fighting their Battles and defending their Barrier, while they pursue their Commerce in Tranquility, enjoy Peace at the Expence of *British* Blood, and grow rich by the Profusion of *British* Treasure. It appears, that they concur in the Preservation of themselves and of *Europe*, though with Delays and Caution ; since though they do not send Forces into the Field, they supply the Place of those which are sent, and enable others to destroy those whom they are not yet persuaded to attack themselves.

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‘ The Constitution of that Republic is, indeed, such as makes its Alliance not valuable on sudden Emergencies in Proportion to its Wealth and Power. The Determinations of large Assemblies are always slow ; because there are many Opinions to be examined, many Proposals to be balanced, and many Objections to be answered : But with much more Difficulty must any important Resolution be formed, where it must be the joint Act of the whole Assembly, where every Individual has a Negative Voice, and Unanimity alone can make a Decision obligatory. Wherever this is the Form of Government, the State lies at the Mercy of every Man who has a Vote in its Councils ; and the Corruption or Folly or Obstinacy of one may retard or defeat the most important Designs, lay his Country open to the Inroads of an Enemy, dissolve the most Solemn Alliances, and involve a Nation in Misery.

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‘ This, my Lords, I need not observe to be the *Dutch* Constitution ; nor need I tell this Assembly, that we are not always to judge of the general Inclination of that People by the Procedure of their Deputies ; since particular Men may be influenced by private Views, or corrupted by secret Promises, or Bribes ; and those Designs may be retarded by their Artifices which the Honest and Impartial universally approve. This is, perhaps, the true Reason of the present Delays which have furnished Occasion to such loud Complaints, Complaints of which we may hope quickly to have an End ; since it can hardly be doubted, but the general Voice of the People will there, as in other Places, at last prevail, and the Prejudices or Passions of private Men give Way to the Interest of the Publick.

‘ That the Queen of *Hungary* is now equally distressed, and that she has received no Advantage from the Assistance, which we have at so great an Expence appeared to give her, is likewise very far from being true. Let any Man compare her present Condition, with that in which she was before *Great Britain* engaged in her Cause, and it will easily be perceived, how much she owes to the Alliance of this Nation. She was then flying before her Enemies and reduced to seek for Shelter in the remotest Part of her Dominions, while her Capital was fortified in Expectation of a Siege. Those who then were distributing her Provinces, and who almost hovered over her only remaining Kingdom, are now retiring before her Troops. The Army, by which it was intended that her Territories in *Italy* should be taken from her, is now starving in the Countries which it presumed to invade ; and the Troops, which were sent to its Assistance, are languishing at the Feet of Mountains which they will never pass.

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‘ These are the Effects, my Lords, of those Measures, which, for want of being compleatly understood, or attentively considered, have been so vehemently censured. These Measures, my Lords, however injudicious, however unreasonable, have embarrassed the Deligns of *France*, and given Relief to the Queen of *Hungary*; they have animated the *Dutch* to Action, and kindled in all the Powers of *Europe*, who were intimidated by the *French* Armies, new Hopes and new Resolution; they have indeed made a general Change in the State of *Europe*, and given a new Inclination to the Balance of Power: Not many Months have elapsed, since every Man appeared to consider the King of *France* as the universal Monarch, whose Will was not to be opposed, and whose Force was not to be resisted: We now see his Menaces despised, and his Propositions rejected; every one now appears to hope rather than to fear, tho’ lately a general Panic was spread over this Part of the Globe, and Fear had so engrossed Mankind, that scarcely any Man presumed to hope.

‘ But it is objected, my Lords, that though our Measures should be allowed not to have been wholly ineffectual, and our Money appear not to have been squandered only to pay the Troops of *Hanover*; yet our Conduct is very far from meriting either Applause or Approbation; since much greater Advantages might have been purchased at much less Expence, and by Methods much less invidious and dangerous.

‘ The Queen of *Hungary* might, in the Opinion of these Censurers, have raised an hundred Thousand Men with the Money which we must expend in hiring only sixteen Thousand, and might have destroyed those Enemies whom we have hitherto not dared to attack.

‘ Those who make this Supposition the Foundation of their Censures, appear not to remember, that the Queen of *Hungary*’s Dominions, like those of other Princes, may by War be in Time exhausted; that the Loss of Inhabitants is not repaired in any Country but by slow Degrees; and that there is no Place yet discovered where Money will procure Soldiers without End, or where new Harvests of Men rise up annually, ready to fight those Quarrels in which their Predecessors were swept away. If the Money had, instead of being employed in hiring Auxiliaries, been remitted to the Queen, it is not probable that she could at any Rate have brought a new Army together: But it is certain, that her new Troops must have been without Arms and without Discipline. It might have been found perhaps, in this general Disturbance of the World, not easy to have supplied them with Weapons; and it is well known how long Time is required

quired to teach raw Forces the Art of War, and enable them An. 16. Geo. II.  
to stand before a veteran Enemy.

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‘ It was therefore necessary to assist her rather with Troops than Money; and since Troops were necessarily to be hired, why should we employ the Forces of *Hanover* less willingly than those of any other Nation? To assert, that they have more or less Courage than others is chimerical; nor can any Man suppose them either more brave or timorous than those of the neighbouring Countries, without discovering the meanest Prejudices and the narrowest Conceptions, without shewing that he is wholly unacquainted with human Nature, and that he is influenced by the Tales of Nurses and the Boasts of Children.

‘ There was, therefore, no Objection against the Troops of *Hanover* that was not of equal Strength against all Foreign Troops; and there was at least one Argument in their Favour, that they were Subjects of the same Prince; and that, therefore, we could have no Reason to fear their Defection or to suspect their Fidelity.

‘ The Electorate of *Hanover*, with whatever Contempt or Indignation some Persons may affect to mention it, is to be considered at least as a State in Alliance with *Great Britain*, and to receive from us the Support which the Terms of that Alliance may demand.

‘ Any other Regard, my Lords, indeed it is not necessary to contend for; since it cannot be proved, that in this Transaction we have acted otherwise than as with Allies, or hired the Troops on Conditions which those of any other Nation would not have obtained, or on any which they will not deserve; since your Lordships have received Assurances, that they are ready to enter the Field, and to march into *Germany* against the common Enemy. That we might have raised new Troops in our own Nation, and have augmented our Army with an equal Number of Men, cannot be denied: Nor do I doubt, my Lords, but our Countrymen would be equally formidable with any other Forces; but it must be remembered, that an Army is not to be levied in an Instant, and that our Natives, however warlike, are not born with the Knowledge of the Use of Arms; and who knows, whether *Europe* might not have been enslaved before a *British* Army could have been raised and disciplined for its Deliverance?

‘ Whether this Account of our Measures will satisfy those who have hitherto condemned them, I am not able to foretell: There are, indeed, some Reasons for suspecting, that they blame not, because they disapprove, but because they think it necessary either to the Character of Discernment or  
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An. 16. Geo. II. of Probity to censure the Ministry, whatever Maxims are pursued. Of this Disposition it is no slight Proof, that contrary Measures have been sometimes condemned by the same Men with the same Vehemence; and that even Compliance with their Demands has not stilled their Outcries. When the Ministry appeared unwilling to engage in the War of *Germany*, without the Concurrence of the other Powers who had engaged to support the Pragmatic Sanction, they were hourly reproached with being Slaves of *France*, with betraying the general Cause of *Europe*, and with repressing that generous Ardour, by which our Ancestors have been incited to stand forth as the Asserters of universal Liberty, and to fight the Quarrels of Mankind. They were marked out as either Cowards or Traitors, and doomed to Infamy as the Accomplices of Tyranny, engaged in a Conspiracy against their Allies, their Country and their Posterity.

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At length the *Britons* have roused again, and again declared themselves the Supporters of Right whenever injured; they have again raised their standards in the Continent, and prepare to march again through those Regions, where their Victories are yet celebrated, and their Bravery yet revered. The Hills of *Germany* will again sound with the Shouts of that People, who once marched to their Deliverance through all the Obstructions that Art or Power could form against them, and which broke through the Pass of *Schelemburgh* to rout the Armies that were ranged behind it.

Now it might be expected, my Lords, that at least those who were before dissatisfied should declare their Approbation; for surely where Peace or Neutrality is improper, there is nothing left but War. Yet Experience shews us, that Men resolved to blame will never want Pretences for venting their Malignity; and where nothing but Malignity is the Consequence of opposite Measures, we must necessarily conclude, that there is a fixed Resolution to blame, and that all Vindications will be ineffectual.

Some have indeed, found out a Middle Course between Censure and Approbation, and declare, that they think these Measures now justifiable, because we have proceeded too far to retreat with Honour; and that though at first a better Scheme might have been formed, yet this, which has hitherto been pursued, ought not now to be changed.

I, my Lords, though it is not of very great Importance to confute an Opinion by which the Measures of the Government will not be obstructed, cannot forbear to declare myself of different Sentiments, and to assert, in Opposition to artful Calumnies and violent Invectives, that the present Measures

Measures were originally right ; that they were such as Prudence would dictate, and Experience approve, and such as we ought again to take, if we have again the Power of Choice.

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‘ I am, indeed, far from doubting, but these Measures will, in a short Time be justified by Success ; a Criterion by which, however unjustly, the greatest Part of Mankind will always judge of the Conduct of their Governors ; for it is apparent, my Lords, that howsoever the *French* Power, Commerce and Wealth, have been exaggerated by those that either love or fear them, they will not long be able to stand against us ; their Funds will in a short Time fail them, and their Armies must be disbanded, when they can no longer be paid, lest, instead of protecting their Country, they should be inclined to plunder it.

‘ The Abundance of our Wealth, my Lords, and the Profit of our Commerce, are sufficiently apparent from the Price of our Stocks, which never were before supported at the same Height, for so long a Time ; and of the Fall of which neither an actual War with *Spain*, nor the Danger which has been suggested of another with *France*, with *France* in the full Possession of all its boasted Advantages, has yet been able to produce any Token. Another Proof of the Exuberance of our Riches, and the Prosperity of our Commerce by which they are acquired, is the Readiness with which the Government can raise in an Instant the greatest Sums ; and the low Interest at which they are obtained. If we compare our State in this respect with that of *France*, the insuperable Difficulties under which they must contend with us, will sufficiently discover themselves. It is well known, my Lords, that we have lately raised the Money, which the Service of each Year required, at the Interest of three for a Hundred ; nor is it likely, that there will be any Necessity of larger Interest, though our annual Demands were to be equal to those of the last War. But the *French* are well known to raise the Sums which their Exigences require on very different Terms, and to have paid ten for a Hundred, for all the Money which their late Projects have required ; Projects which they cannot pursue long at such enormous Expence, and by which their Country must in a short Time be ruined even without Opposition.

‘ While we can, therefore, raise three Millions for less than the *French* can obtain one ; and by consequence support three Regiments at the same Expence as one is supported in their Service, we have surely no Reason to dread the Superiority of their Numbers, or to fear, that they will conquer by exhausting us.

‘ Thus,

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‘ Thus, my Lords, I have deliver’d my Opinion with Freedom and Impartiality ; and shall patiently hearken to any Objections that shall arise against it, supported by the Consciousness, that a Confutation will only shew me that I have been mistaken ; but will not deprive me of the Satisfaction of reflecting, that I have not been wanting to my Country ; and that if I have approved or defended improper Measures, I at least consulted no other Interest than that of *Great Britain*.’

Lord Hervey.

Lord *Hervey* \* spoke next to the following Effect :

*My Lords,*

‘ It is not without that Concern which every Man ought to feel at the apparent Approach of publick Calamities, that I have heard the Measures which are now the Subject of our Inquiry so weakly defended, when their Vindication is endeavoured with so much Ardour, and laboured with so much Address.

‘ The Objections which press upon the Mind, at the first and slightest View of our Proceedings, are such as require the closest Attention, such as cannot but alarm every Man who has studied the Interest of his Country, and who sincerely endeavours to promote it ; and therefore it might be hoped, that those who appear to have thought them insufficient are able to produce in Opposition to them the strongest Arguments and the clearest Deductions.

‘ When we attempt the Consideration of our present Condition, and enquire by what Means our Prosperity may be secured, the first Reflection that occurs is, that we are Traders, that all our Power is the Consequence of our Wealth, and our Wealth the Product of our Trade. It is well known, that Trade can only be pursued under the Security of Peace ; that a Nation which has a larger Commerce, must make War on disadvantageous Terms, against one that has less ; as, of two contiguous Countries, the more fruitful has most to fear from an Invasion by its Neighbour.

‘ It is visible likewise to any Man who considers the Situation of *Great Britain*, that there is no Nation by which our Trade can in time of War be so much obstructed as by *France*, of which the Coasts are opposite to ours, and which can send out small Vessels and seize our Merchants in the Mouths of our Harbours, or in the Channel of which we boast the Sovereignty ; and all those who have heard or read of the last War, in which we gained so much Honour and so little Advantage, know, that the Privateers of *France* injured us more than its Navies or its Armies ; and that a thousand

Victories

\* Remov’d from his Post of Lord Privy Seal in July, 1742, and succeeded by Lord Gower.

Victories on the Continent, where we were only contending An. 16. Geo. II.  
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for the Rights of others, were a very small Recompence for the Obstruction of our Commerce; nor can he feel much Tenderneſs for Mankind who would purchaſe by the Ruin and Diſtreſs of a thouſand Families induſtrious and innocent, the momentary Feſtivity of a Triumph, or the idle Glare of an Illumination.

‘ Yet, my Lords, this Nation, however zealous for its Commerce, is about to engage in a War, in a War with the only State by which our Commerce can be impaired; It is about to ſupport new Armies on the Continent without Allies, and without Treafure.

‘ That we are without Treafure; and that our Trade, by which only our Funds can be ſupplied, has lately been very much diminifhed, is too eaſy to prove in Oppoſition to the ſpecious Diſplay which the noble Lord, who ſpoke laſt, has been pleaſed to make of the Exuberance of our Wealth.

‘ If the Abundance of our Riches be ſuch as it has been repreſented, why are no Meaſures formed for the Payment of the publick Debts; of which no Man will ſay, that they are not in themſelves a Calamity and the Source of many Calamities yet greater; of which it cannot be denied, that they multiply Dependence, by which our Conſtitution may ſometime be endangered? Why are thoſe Debts not only unpaid but encreaſed by annual Additions to ſuch a Height, that the Payment of them muſt ſoon become deſperate, and the Publick ſink under the Burthen?

‘ That our Trade, my Lords, and by Conſequence our Wealth, is of late diminifhed, may be proved beyond Controverſy, even to thoſe whoſe Intereſt it is not to believe it; and upon whom, therefore, it cannot be expected, that Arguments will have a great Effect. The Produce of the Cuſtoms was the laſt Year leſs by half a Million, than the Mean Revente; and as our Cuſtoms muſt always bear a certain Proportion to Trade, we may form an indiſputable Eſtimate from them of its Increate or its Decline.

‘ The Riſe of our Stocks, my Lords, is ſuch a Proof of Riches, as dropſical Tumours are of Health; It ſhews not the Circulation but the Stagnation of our Money; and though it may flatter us with a falſe Appearance of Plenty for a Time, will ſoon prove, that it is both the Effect and Cauſe of Poverty, and will end in Weakneſs and Deſtruction.

‘ When Commerce flouriſhes, when its Profit is certain and ſecure, Men will employ their Money in the Exchange of Commodities, by which greater Advantage may be gained than by putting it into the Hands of Brokers; but when every



An. 16. Geo. II. every Ship is in Danger of being intercepted by Privateers, and the Insurer divides the Profit of every Voyage with the Merchant, it is natural to chuse a safer, though a less profitable Traffick, and rather to treasure Money in the Funds, than expose it on the Ocean

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‘ But, my Lords, the Ministers themselves have sufficiently declared their Opinion of the State of the National Wealth, by the Method which they have taken to raise those Supplies of which they boast with how great Facility they are raised.

‘ When they found, that new Expences required new Taxes, it was necessary to examine what could be taxed, or upon which Part of the Nation any other Burthens could be laid without immediate Ruin. They turned over the Catalogue of our own Manufactures, and found, that scarcely any of the Conveniences, or even the Necessaries of Life were without an Impost : They examined all the Classes of our Traders, and readily discovered, that the greatest Number of those who endeavoured to support themselves by honest Industry were struggling with Poverty, and scarcely able to provide to Day what should be necessary to Morrow. They saw our Prisons crouded with Debtors, and our Papers filled with the Names of Bankrupts, of whom many may be supposed to have miscarried without Idleness, Extravagance or Folly.

‘ They saw, therefore, my Lords, that Industry must sink under any Addition to its Load, a Consideration which could afford no Proof of the Abundance of our Wealth : They saw, that our Commodities would be no longer manufactured, if their Taxes were increased ; and therefore it was necessary to raise Money by some other Method, since all those which have been hitherto practised were precluded.

‘ This, my Lords, was no easy Task ; but however difficult, it has been accomplished ; and to those great Politicians must Posterity be indebted for a new Scheme of supplying the Expences of a War.

‘ In the Time of the late Ministry, it has been observed, that Drunkenness was become a Vice, almost universal among the common People ; and that as the Liquor which they generally drank, was such, that they could destroy their Reason by a small Quantity, and at a small Expence, the Consequence of general Drunkenness was general Idleness : Since no Man can work any longer, than was necessary to lay him asleep for the remaining Part of the Day. They remarked likewise, that the Liquor which they generally drank was to the last degree pernicious to Health, and destructive of that corporeal Vigour by which the Business of Life

Life is to be carried on; and a Law was, therefore, made An. 16. Geo. II.  
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by which it was intended, that this Species of Debauchery, }  
sopeculiarly fatal, should be prevented.

Against the End of this Law no Man has hitherto made the least Objection; no one has dared to signalize himself as an open Advocate for Vice, or attempted to prove that Drunkenness was not injurious to Society, and contrary to the true Ends of human Being. The Encouragement of Wickedness of this shameful Kind, Wickedness equally contemptible and hateful, was reserved for the present Ministry; who are now about to supply those Funds which they have exhausted by idle Projects and romantic Expeditions, at the Expence of Health and Virtue; who have discovered a Method of recruiting Armies by the Destruction of their Fellow-Subjects, and while they boast themselves the Asserters of Liberty, are endeavouring to enslave us, by the Introduction of those Vices, which in all Countries and in every Age have made way for despotic Power.

Even this Expedient, my Lords, must in a short Time fail them; the Products of Vice as well as Commerce must in Time be exhausted; and what then will remain? The Honest and Industrious must feel the Weight of some new Imposition, which the Sagacity of experienced Oppression may find Means to lay upon them; they will then first find the Benefit of this new Law, since they may, by the Use of those Liquors which are indulged them, put a speedy End to that Life which they are made unable to support.

The Means by which the Expences of our present Designs are to be supported; such Means, my Lords, as were never yet practised by any State, however exhausted, or however endangered; Means which a wise Nation would scarcely use to repel an Invader from the Capital, or to raise Works to keep off a general Inundation; raise yet stronger Motions of Indignation, when it is considered for what Designs these Expences are required.

We are now, my Lords, raising Armies and hiring Auxiliaries for an Expedition of which no Necessity can be discovered; and from which neither Honour nor Advantage can be expected; we are about to force from this People the last Remains of their Property, and to harass, with Exaction, those who are already languishing with Poverty; not for the Preservation of our Liberty or the Defence of our Country, but for the Support of the Pragmatick Sanction; for the Execution of a very unjust Scheme formed by the late Emperor, to which he purchased, at different Times, on different Emergencies, the Concurrence of other Powers; but to which he  
failed

An. 16. Geo. II. failed to put the last Seal of Confirmation, perhaps in Hopes of a Male-Heir ; and left the Design, which he had so long and so industriously laboured, to be at last compleated by the Kindness of his Allies, having by an unsuccessful War against the *Turks*, exhausted his Treasure, and weakened his Troops.

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‘ Whether we shall now engage in this Design, whether we shall, for the Defence of the Pragmatick Sanction, begin another War on the Continent, of which the Duration cannot be determined, the Expence estimated, or the Event foreseen ; whether we shall contend at once with all the Princes of the House of *Bourbon*, and entangle ourselves in a Labyrinth of different Schemes ; whether we shall provoke *France* to interrupt our Commerce, and invade our Colonies, and stand without the Assistance of a single Ally, against those Powers that lately set almost all *Europe* at Defiance, is now to be determined by your Lordships.

‘ It can scarcely be expected, that the *French* will treat us only as Auxiliaries, and satisfy themselves with attacking us only where they find themselves opposed by us ; they will, undoubtedly, my Lords, consider us as Principals, since they can suffer little more by declaring War against us.

‘ These, my Lords, are the Dangers to be feared from the Measures which we are now persuaded to pursue, but persuaded by Arguments which, in my Opinion, ought to have very little Influence upon us, and which have not yet been able, however artfully or zealously enforced, to prevail upon the *Dutch* to unite with us.

‘ It has, indeed, been asserted, that the *Dutch* appear inclined to assist us : But of that Inclination stronger Proofs ought surely to be produced, before we take Auxiliaries into Pay, and transport Troops into another Country, which has been so often represented to have been raised for the Defence of their own, or collect Money from the Publick by the Propagation of Wickedness.

‘ Of this favourable Inclination in the *Dutch*, I am the more doubtful ; because it is contrary to the Expectations of all Mankind, and to the Maxims by which they have generally regulated their Conduct. There have been many late Instances of their patient Submission to the Invasion of Privileges to which they have thought themselves intitled, and of their Preference of Peace, though sometimes purchased with the Loss of Honour, or, (what may be supposed to touch a *Dutchman* much more nearly,) of Profit, to the Devastation, and Expence, and Hazard of War ; and it can hardly be supposed by any who know their Character, that they will

will be more zealous for the Rights of others than for their own; or that they will, for the Support of the Queen of *Hungary*, sacrifice that Security and Tranquillity which they have preferred at the Expence of their Commerce at one Time, and by passive Submission to Insults at another.

An. 16. Geo. II  
1742.

‘ That a Nation like this, my Lords, will in the Quarrel of another engage in any but moderate Measures, is not to be expected : It is not improbable, that they may endeavour by Embassies and Negotiations to adjust the present Disputes, or offer their Mediation to the contending Powers ; but I am very far from imagining, that they will find in themselves any Disposition to raise Armies or equip Fleets, that they will endanger the Barrier which has been so dearly purchased, or expose themselves to the Hazards and Terror of a *French* War ; and am, therefore, inclined to believe, that if any Tendency towards such Measures now appears, it is only the Effect of the present Heat of some vehement Declaimers, or the secret Machination of some artful Projectors among them, who have formed chimerical Plans of a new System of *Europe*, and have in their Imaginations regulated the Distribution of Dominion and Power, or, who, perhaps, have diminished their Patrimonies by Negligence and Extravagance, and hope to repair them in Times of Confusion, and to glean Part of that Harvest of Treasure which the Publick must be obliged to yield in Time of War. I am still inclined to believe, that the true Interest of the Republick will be consulted, that Policy will prevail over Intrigue, and that only moderate Measures will be pursued by the general Council of the States.

‘ Moderate Measures, my Lords, if not always the most honourable in the Opinion of Minds vitiated by false Notions of Grandeur, are at least always the most safe ; and are, therefore, eligible at least, till the Scene of Affairs begins to open, and the Success of a more vigorous Conduct may with some Degree of Certainty be foreknown ; and it must at least be thought imprudent for those to hazard much, who can gain nothing, and therefore it will not be easy to assign any Reason, that may justify our Conduct on the present Occasion.

‘ It is not improbable, my Lords, that those who lately obtained the Direction of our Affairs may be influenced by the general Disapprobation which the *British* People shew’d of the pacific Conduct of the late Ministry, and may have resolved to endeavour after Applause by shewing more Spirit and Activity. But, my Lords, of two opposite Schemes it is not impossible that both may be wrong, and that the middle Way only may be safe ; nor is it uncommon for those who

An. 16. Geo. II. are precipitately flying from one Extreme to rush blindly upon another.

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‘ But our Ministry, my Lords, have found out a Method of complicating Errors which none of their Predecessors, however stigmatis’d for Ignorance and Absurdity, have hitherto been able to attain; they have been able to reconcile the Extremes of Folly, and to endanger the publick Interest at the same Time by Inactivity and romantick Temerity.

‘ No Accusation against the late Ministry was more general, more atrocious, or more adapted to incense the People, than that of neglecting the War against *Spain*: This was the Subject of all the Invectives which were vented against them in the Parliament or dispers’d among the People; for this they were charged with a secret Confederacy against their Country, with Disregard of its Commerce, and its Arms, and with a Design to ruin the Nation for no other End than to punish the Merchants.

‘ To this Accusation, my Lords, diligently propagated, willingly received, and, to confess the Truth, confirmed by some Appearances, do those owe their Power who now preside over the Affairs of the Nation; and it might therefore have been hoped, that by their Promotion, one of our Grievances would have been taken away, and that at least the War against *Spain* would have been vigorously prosecuted.

‘ But this Ministry, my Lords, have only furnished a new Instance of the Credulity of Mankind, of the Delusion of outward Appearances, and of the Folly of hoping with too great Ardour for any Event, and of trusting any Man with too great Confidence. No sooner were they possess’d of the Power to which their Ambition had so long aspired, and of the Salaries which had with so much Eagerness been coveted by their Avarice, than they forgot the Complaints of the Merchants, the Value of Commerce, the Honour of the *British* Flag, the Danger of our *West-Indian* Territories, and the great Importance of the War with *Spain*, and contented themselves with ordering Convoys for our Merchants, instead of destroying the Enemy by whom they are molested.

‘ The Fleets which are floating from one Coast to another in the *Mediterranean*, and which sometimes strike Terror into the harmless Inhabitants of an open Coast, or threaten, but only threaten Destruction to an unfortified Town, I am very far from considering as Armaments fitted out against the *Spaniards*, who neither feel nor fear any great Injury from them; their Trade, may be, indeed, somewhat impeded; but that Inconvenience is amply compensated by their Depredations upon our Merchants; their Navies may be confin-

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ed to their own Ports, or to those of *France*, but these Navies are not very necessary to them; since they are not sufficiently powerful to oppose us on the Ocean, and therefore they who are thus confined suffer less than those who confine them. We have indeed the empty Pleasure of seeing ourselves Lords of the Sea, and of shaking the Coasts with Volleys of our Cannon; but we purchase the Triumph at a very high Price, and shall find ourselves in Time weakened by an useless Ostentation of Superiority.

‘ The only Parts of the *Spanish* Dominions in which they can receive any Hurt from our Forces, are those Countries which they possess in the *West-Indies*, and from which they receive the Gold and Silver which inflame their Pride and incite them to insult Nations more powerful than themselves. By seizing any Part of those wealthy Regions we shall stop the Fountain of their Treasure, reduce them to immediate Penury, and compel them to solicit Peace upon any Conditions that we shall condescend to offer them.

‘ The Necessity of invading these Countries, my Lords, was perfectly understood and very distinctly explained, when the Forces destin’d for that Expedition were delay’d: And when the Attempt at *Carthage* miscarried, nothing was more pathetical than the Complaints of the Patriots, who spared no Labour to inform either the Parliament or the Nation of the Advantages which Success would have procur’d. But what Measures have been taken to repair our Losses, or to regain our Honour; or what new Schemes have been formed for making an Attack more forcible upon some weaker Part?

‘ Every one can remember, that the Miscarriage of that Enterprize was imputed not to its Difficulty, nor to the Courage of the *Spaniards*, nor to the Strength of their Works, but to the Unskilfulness of our Officers and the Impropriety of the Season; and it was therefore, without doubt, thought not impossible to attack the *Spanish* Colonies with Success; but why then, my Lords, have they hitherto suffer’d the *Spaniards* to discipline their Troops and strengthen their Works at leisure, that at length they may securely set us at Defiance, and plunder our Merchants without Fear of Vengeance?

‘ Thus, my Lords, has our real Interest been neglected in Pursuit not of any other Scheme of equal Advantage, but of the empty Title of the Arbiters of *Europe*; we have suffer’d our Trade to be destroy’d and our Country impoverish’d for the Sake of holding the Balance of Power, that variable Balance in which Folly and Ambition are perpetually changing

AN. 16. GEO. II <sup>1742.</sup> ing the Weights, and which neither Policy, nor Strength could yet preserve steady for a single Year.

‘ In the Prosecution of this idle Scheme we are about to violate all the Maxims of Wisdom, and perhaps of Justice ; we are about to destroy the End by the Means which we make Use of to promote it, to endanger our Country more by attempting to hinder the Changes which are projected in *Europe*, than their Accomplishment will endanger it ; and to deliver up ourselves to *France* before she makes any Demand of Submission from us.

‘ If any Excuse could be made for Expeditions so likely to end in Ruin, it must be, that Justice required them ; and that if we suffer, we at least suffer in Support of Right, and in an honest Endeavour to promote the Execution of the great Laws of moral Equity ; that if we fail of Success we shall always have the Consolation of having meant well, and of having deserved those Victories which we could not gain.

‘ But, upon an impartial Survey of the Cause in which we are going to engage, and on which we are about to hazard our own Happiness, and that of our Posterity, I can discover no such apparent Justice on the Side of the Queen of *Hungary*, as ought to incite distant Nations to espouse her Quarrel, to raise Armies in her Favour, to consider her Cause as that of human Nature, and to prosecute those that invade her Territories as the Enemies of general Society.

‘ The Pragmatick Sanction, my Lords, by which she claims all the hereditary Dominions of her Family, cannot change the Nature of Right and Wrong, nor invalidate any Claim before subsisting, unless by the Consent of the Prince by whom it was made. The Elector of *Bavaria* may, therefore, urge in his own Defence, that by the elder Sister he has a clear and indisputable Right, a Right from which he never receded, as he never concurred in the Pragmatick Sanction ; he may, therefore, charge this illustrious Princess, for whom so many Troops are raised. and for whom so much Blood is about to be shed, with Usurpation, with detaining of the Dominions of other Potentates, and with an obstinate Assertion of a false Title.

‘ That the Pragmatick Sanction is generally understood to be unjust, appears sufficiently from the Conduct of those Powers who, tho’ engaged by solemn Stipulations to support it, yet look unconcerned on the Violation of it, and appear convinced, that the Princes who are now dividing among themselves the *Austrian* Dominions, produce Claims which cannot be opposed without a manifest Disregard of Justice.

‘ The Pretensions of these Princes ought, indeed, to have been

been more attentively considered, when this Guaranty was first demanded ; for it is evident, that either no such Compact ought to have been made, or that it ought now to be observed ; and that those who now justify the Neglect of it, by urging its Injustice, ought to have refused Accession to it for the same Reason. But it is probable, that they will urge in their Defence, what cannot easily be confuted, that their Consent was obtained by Misrepresentations, and that he who has promised to do any thing on the Supposition that it is right, is not bound by that Promise, when he has discovered it to be wrong.

An. 15. Geo. II.  
1742.

‘ But tho’ Justice may, my Lords, be pretended, I am far from doubting, that Policy has in Reality supplied the Motives, upon which these Powers proceed. Since the World is evidently governed more by Interest than Virtue, I think it not unreasonable to imagine, that they form their Measures according to their own Expectations of Advantage ; and as I do not believe our Countrymen distinguished from the rest of Mankind by any peculiar Disregard of themselves, it may not be improper to examine, even in this Place, whether, by restoring the House of *Austria* to its antient Greatness, we shall promote our own Happiness or that of the Empire, or of the rest of *Europe*.

‘ To ourselves, my Lords, I do not see what Assistance can be given in Time of Danger by this House, however powerful, or however friendly ; for I suppose, we shall never suffer it to grow powerful by Sea as well as by Land, and by Sea only can we receive Benefits or Injuries,

‘ What Advantages the rest of *Europe* may promise themselves, from the Restoration of the *Austrian* Power, may be learned, my Lords, from the History of the great Emperor *Charles* the fifth, who for many Years kept the World in continual Alarms, ranged from Nation to Nation with incessant and insatiable Ambition, made War only for the Extinction of the Protestant Religion, and employed his Power and his Abilities in harassing the neighbouring Princes, and disturbing the Tranquility of Mankind.

‘ Nor did his Successors, my Lords, though weakened by the Division of his Dominions, enjoy their Power with greater Moderation or exert it to better Purposes. It is well known, that they endeavoured the Subversion of both the Liberties and Religion of the subordinate States of the Empire, and that the great King of *Sweden* was called into *Germany*, as well for the Preservation of the Protestant Religion as of the Rights of the Electors.

‘ This, my Lords, is so generally known and confessed, that



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*Puffendorf*, the best Writer on the *German* Constitution, has declared it disadvantageous to the Empire to place at his Head a Prince too powerful by his hereditary Dominions ; since they will always furnish him with Force to oppress the weaker Princes ; and it is not often found, that he who has the Power to oppress, is restrained by Principles of Justice.

‘ It appears, therefore, to me, my Lords, that the late Election of an Emperor was made with sufficient Regard to the general Good, and that therefore, neither Policy nor Equity oblige us to act in a Manner different from the other Powers who are joined in the same Engagements, of whom I do not learn by any of the common Channels of Intelligence, that any of them intend the Support of the Pragmatick Sanction. For no News-Paper or Pamphlet has yet informed us, that any of the other Powers are hiring Auxiliaries, or regulating the March of their Troops, or making any uncommon Preparations, which may foretoken an Expedition against the Emperor, or his Allies.

‘ Yet, my Lords, they are not restrained from attacking the Emperor by so strong Objections as may be made to the present Design ; for they owe him no Obedience as their Sovereign, nor have contributed to the Acquisition of his Honours ; they have not like his Majesty given their Votes for his Exaltation to the Imperial State, nor have acknowledged his Right by granting him an Aid. They might, therefore, without Charge of Disloyalty or Inconsistency, endeavour to dethrone him ; but how his Majesty can engage in any such Design, after having zealously promoted his Advancement, and confirmed his Election by the usual Acknowledgement, I am not able to understand.

‘ It is evident, that the King of *Prussia* believes himself restrained by his own Acts, and thinks it absurd to fight against an Emperor who obtained the Throne by his Choice ; he, therefore, has with his usual Wisdom refused to engage in the Confederacy, nor have either Promises or Concessions been able to obtain more from him than a bare Neutrality.

‘ Whether indeed any more than a Neutrality be intended, even by this pompous Armament, for which we are now required to provide, I may be allowed to doubt ; since the Troops that are hired at so high a Rate are such, as cannot act against the Enemies of the Queen of *Hungary*, without Breach of the Imperial Constitutions.

‘ It has been already justly observed in this Debate, that when the Emperor has obtained from the Diet an Aid of fifty Months, that Act is considered as an authentic Recognition of his Title ; nor can any of the *German* Princes, afterwards

terwards make War against him, without subjecting his Dominions to the Imperial Interdict, and losing the Privileges of his Sovereignty.

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‘ That the present Emperor has already received this Acknowledgement, and been confessed by his Majesty, as Elector of *Hanover*, to be legally invested with the Imperial Dignity, is well known ; and therefore, I cannot by any Method of reasoning discover, nor have yet found any Man able to inform me, why the Troops of *Hanover* are chosen before those of any other Nation, for a Design which they cannot execute without ruining their Sovereign, if they fail ; and infringing the Constitution of the Empire, if they should happen to succeed.

‘ I should, therefore, have imagined, that the Assistance of the Queen of *Hungary* was only pretended, and that the Forces were only designed to breathe the Air of the Continent, and to display their Scarlet at the Expence of *Great Britain*, had not the noble Lord who spoke third in this Debate informed us, that they will in Reality march into *Germany* ; a Design, my Lords, so romantic, unseasonable, and dangerous, that though I cannot doubt it after such Assurances, I should not have believed it on any other ; a Design which I hope every Man who regards the Welfare of this Kingdom will indefatigably oppose, and which every *Briton* must wish that some lucky Accident may frustrate.

‘ To send an Army into *Germany*, my Lords, is to hazard our native Country without Necessity, without Temptation, without Prospect or Possibility of Advantage ; it is to engage in a Quarrel which has no Relation to our Dominions, or Rights, or Commerce ; a Quarrel from which, however it be decided, we can neither hope for any Increase of our Wealth, our Force, or our Influence ; but which may involve us in a War without End, in which it will be difficult to obtain the Victory, and in which we must yet either conquer or be undone.

‘ Surely, my Lords, an Expedition like this was never undertaken before, without consulting the Parliament, and declaring the Motives on which it was designed : Surely never was any Supply of this Nature demanded, without some previous Discoveries to this House of the Importance of the Service for which they were required to provide. On this Occasion, my Lords, all the Councils of the Government are covered by a Cloud of affected Secrecy ; nor is any Knowledge of our Affairs to be gained, but from Papers which are not to be regarded here, the printed Votes of the other House.

‘ I am

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I am always, my Lords, inclined to suspect unusual Secrecy, and to imagine, that Men either conceal their Measures, because they cannot defend them ; or affect an Appearance of concealing them, when in Reality they have yet projected nothing, and draw the Veil with uncommon Care, only lest it should be discovered that there is nothing behind it ; as when Palaces are shewn, those Apartments which are empty, are carefully locked up.

‘ To confess my Opinion without Reserve, I am not so much inclined to believe, that our Ministry’s Designs are so bad as that they design nothing ; and suspect that this mighty Army so lavishly paid, and collected from such distant Parts, is to regulate its Motions by Accident, and to wait without Action, ’till some Change in the State of *Europe* shall make it more easy for our Ministers to form their Scheme.

‘ I hope, my Lords, that by some Accident more favourable than we have at present Reason to expect, our *German* Expedition will be retarded, till our Ministers shall awaken from their present Dream of delivering *Europe* from the *French* Ambition, and of restoring the antient Greatness of the House of *Austria*. I hope every Day, as it adds to their Experience, will diminish that Ardour which is generally the Effect of imperfect Views, which is commonly raised by partial Considerations, and ends in inconsiderable Undertakings. I hope they will in Time think it no Advantage to their Fellow-Subjects to be doomed to fight the Battles of other Nations, and to be called out into every Field, where they shall happen to hear, that Blood is to be shed. I hope they will be taught that the only Business of *Great Britain* is Commerce ; and that while our Ships pass unmolested, we may sit at Ease whatever be the Designs or Actions of the Potentates on the Continent, that none but naval Power can endanger our Safety, and that it is not necessary for us to enquire, how Foreign Territories are distributed, what Family approaches to its Extinction, or where a Successor will be found to any other Crown than that of *Great Britain*.

‘ If these Maxims were once generally understood, from how much Perplexity would our Counsels be set free ? How many Thousands of our Fellow-Subjects would be preserved from Slaughter ? And how much would our Wealth be increased, by saving those Sums which are yearly squandered in idle Expeditions, or in Negotiations equally useless, and perhaps equally expensive ? Had these Principles been received by our Forefathers, we might now have given Laws to the World, and perhaps our Posterity will with equal Reasons say, How happy,

happy, how great and formidable they should have been, An. 16. Geo. II. had not we attempted to fix and to hold the Balance of Power, and neglected the Interest of our Country for the Preservation of the House of *Austria* ! 1742.

‘ Thus, my Lords, I have endeavoured to explain and enforce my Opinion of the Measures, in which our Ministers have engaged the Nation ; and hope, that I shall not be accused of being influenced in my Determinations by personal Prejudices, nor of having chang’d my Opinions with regard to publick Affairs, in consequence of any Change of the Persons by whom they are conducted. For if my Sentiments have ever been thought important enough to be retained in Memory, I can, with the utmost Confidence, appeal to all those who can recollect what I have formerly said, when the Re-establishment of the House of *Austria* was the Subject of our Consultations ; and defy the most rigorous and attentive Examiner of my Conduct, to prove, that there ever was a Time, in which I thought it necessary or expedient for the *British* Nation to be entangled in Disputes on the Continent, or to employ her Arms in regulating the Pretensions of contending Powers.

‘ I was always of Opinion, my Lords, that Peace is the most eligible State, and that the Ease of Security is to be preferred to the Honour of Victory. I always thought Peace particularly necessary to a trading People ; and as I have yet found no Reason to alter my Sentiments, and as Auxiliaries cannot be of any Use but in Time of War, I shall endeavour to promote Peace by joining in the Motion.’

The Earl of *Cholmondeley* spoke to the following Effect :

*My Lords,*

‘ Notwithstanding the atrocious Charges which have been E. Cholmondeley urged with so much Vehemence against the Ministry ; notwithstanding the Folly and Absurdity which some Lords have imagin’d themselves to have discover’d in the present Measures, I cannot yet prevail upon myself, whatever may be my Veneration for their Integrity, or my Confidence in their Abilities, to approve the Motion for which they so earnestly contend.

‘ To comply with this Motion, my Lords, would be, in my Opinion, to betray the general Cause of Mankind, to interrupt the Success of the Asserters of Liberty, and give up all the Continent at once to the House of *Bourbon*, to defeat all the Measures of our Ancestors and ourselves, and to invite the Oppressors of Mankind to extend their Claims of universal Dominion to the Island of *Great Britain*.

‘ Of

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‘ Of the Measures which we are now to consider I think the Defence at once obvious and unanswerable ; and should advise, that instead of exerting an useless Sagacity in uncertain Conjectures on future Events, or displaying unseasonable Knowledge by the Citation of Authorities, or the Recollection of ancient Facts, every Lord should attentively compare the State into which *Europe* was reduced soon after the Death of the late Emperor, with that in which it now appears ; and inquire to what Causes such sudden and important Changes are to be ascribed. He will then easily discover the Efficacy of the *British* Measures ; and be convinced, that nothing has been omitted which the Interest of this Nation required.

‘ When I hear it ask’d by the noble Lords, What Effects have been produc’d by our Armaments and Expences ? For what End Auxiliaries are hired, and why our Armies are transported into *Flanders* ? I cannot but suspect, my Lords, that this Affectation of Ignorance is only intended to irritate their Opponents ; that they suppress Facts with which they are well acquainted, only that they may have an Opportunity of giving Vent to their Passions, of displaying their Imagination in artful Reproaches, and exercising their Eloquence in splendid Declamations. I believe they hide what they know where to find, only to oblige others to the Labour of producing it ; and ask Questions, not because they want or desire Information, but because they hope to weary those whose Stations condemn them to the Task of answering them.

‘ The Effects, my Lords, which the Assistance given by us to the Queen of *Hungary*, have already produced, are the Recovery of one Kingdom, and the Safety of the rest, the Exclusion of the *Spaniards* from *Italy* on the one Part, and on the other the Confinement of them in it, without either the Supplies for War, or the Necessaries of Life.

‘ These, my Lords, are surely great Advantages ; but these are not the greatest which we have Reason to hope. Our Vigour and Resolution have at last animated the *Dutch* to suspend for a Time their Attention to Trade and Money, and to consider what they seldom much regard, the State of other Nations ; the most rich and powerful of their Provinces have already determin’d to concur in the Re-establishment of the House of *Austria* ; and if the Approbation of the rest be necessary, it is likely to be obtained by the same Method of Proceeding.

‘ Thus, my Lords, we have a Prospect of doing that which the Ministers of Queen *Anne*, whose Fidelity, Wisdom, and Address, have been so often and so invidiously

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commended, thought their greatest Honour, and the strongest Proof of their Abilities. We may soon form another Confederacy against the House of *Bourbon*, at a Time when *Lewis XIV.* is not at its Head, at a Time when it is exhausted by expensive Projects ; and when, therefore, it cannot make the same Resistance as when it was before attacked

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‘ By pursuing the Scheme which is now formed, with Steadiness and Ardour, we may perhaps reinstate all those Nations in their Liberties, whom Cowardice or Negligence, or Credulity have, during the last Century, deliver’d up to the Ambition of *France* ; we may confine within its ancient Limits, that swelling Monarchy, which has from Year to Year torn down the Boundaries of its Neighbours, and disable it for Ages from giving any new Alarms to Mankind, and from making any other Efforts for the Acquisition of universal Dominion ; we may re-establish the House of *Austria* as the great Barrier of the World, by which it is preserved on one Part from being laid waste by the Barbarity of the *Turks*, and on the other from being enslaved by politer Tyrants, and over-run by the Ambition of *France*.

‘ Elevated with such Success, and encouraged by such Prospects, we ought surely, my Lords, to press forward in a Path, where we have hitherto found no Difficulties, and which leads directly to solid Peace and Happiness, which no Dangers or Terrors can hereafter interrupt : We ought, instead of relaxing, to redouble our Efforts ; and to remember, that by exerting all our Strength and all our Influence for a short Time, we shall not only secure ourselves and our Posterity from Insolence and Oppression, but shall establish the Tranquility of the World, and promote the general Felicity of the Human Species.

‘ For these great Purposes, my Lords, are those Auxiliaries retained, which some Lords now require to be dismiss’d, and those Armies transported, which Part of the Nation is by false Reports inclined to recall ; but I hope that such unreasonable Demands will not be gratified, and that the Faith of Treaties, the Ties of Friendship, the Call of Justice, and the Expectations of our Allies will easily prevail upon your Lordships to despise the Murmurs of Prejudice, and the Outcries of Faction.’

Then the Earl of \* *Bath* spoke to the following Effect :

*My Lords,*

‘ As I am far from thinking, that my Advice or Opinion

Earl of Bath.

can

\* So created in July, 1742. See before P. 224.

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This is very  
different from  
the language of  
Mr. Pulteney -

can be of any Use in this illustrious Assembly, I should have listened in Silence to this Debate, important as it is, had I not thought it my Duty, to defend here what I approved in the Council ; and consider'd it as an Act of Cowardice and Meanness to fall passively down the Stream of Popularity, and to suffer my Reason and my Integrity to be overborn by the Noise of vulgar Clamours, which have been raised against the Measures of the Government by the low Arts of Exaggeration, fallacious Reasonings, and partial Representations. It is not without Concern, my Lords, that even in this House I observe some Inclination to gratify the Prejudices of the People, and to confirm them in their Contempt of the Foreign Troops, by the poor Artifice of contemptuous Language. To dispute about Words, is indeed seldom useful ; and when Questions so weighty as these are before us, may be justly censured as improper. I shall therefore only observe, that the Term *Mercenaries*, which is in the Motion apply'd to the Forces of *Hanover*, seems design'd rather to affect the Passions than influence the Reason, and intended only to express a Partiality which cannot be justified.

‘ But it is far more necessary, my Lords, to consider upon what Motives the Troops of *Hanover* were hired, than by what Denomination they may most properly be called ; and therefore, I shall endeavour to explain the Reasons which induced the Ministry to retain them, and which, I suppose, have prevailed upon the Commons to provide for their Support,

‘ It has been asked, Why the Troops of *Hanover* were preferred to those of any other Nation ? And it has been insinuated, that our Determination was influenced by Motives very different from that Regard which every *Briton* owes to the Interest of his native Country. But to this Imputation, however specious and however popular, it may be with great Security reply'd, that there was no Preference, because there was no Choice ; that there was a Necessity for hiring Troops, and that no other Troops were to be obtained ; and whoever shall endeavour to invalidate this Defence, must engage in an Undertaking of which I can boldly affirm, that he will find it very difficult. He must shew, what Power would have been able or willing to have furnished us with Troops on this Occasion ; and I am confident, that whoever shall with this Design take a deliberate Survey of the several Kingdoms and States of *Europe*, will find, that there is no other Prince to whom we could have apply'd on this Occasion, without greater Inconveniences than can reasonably be feared from the present Stipulation with *Hanover*.

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‘ The Reasons, indeed, for which this Stipulation was made, appeared so strong, when it was consider’d in the Council, that it was unanimously determin’d necessary ; nor was the Conclusion hastily made in an Assembly of particular Persons who might be suspected of favouring it from private Views, and of being convened on Purpose to put it in Execution : It was debated by a great Number with great Solemnity ; nor can any Man say, that he only yielded to what he found it in vain to oppose ; for the Consent given was not a tacit Acquiescence but a verbal Approbation. So far was this Part of our Measures from being the Advice of any single Man, or transacted with that solicitous Secrecy, which is the usual Refuge of bad Designs.

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‘ It has been asserted likewise, my Lords, and with much greater Appearance of Justice, that this whole Design has been formed and conducted without the Concurrence or Approbation of the Parliament ; and that therefore it can be consider’d only as a private Scheme to be executed at the publick Expence, as a Plan formed by the Ministry to aggrandise or ingratiate themselves at the Hazard of the Nation.

‘ But even this, my Lords, is a Misrepresentation, though a Misrepresentation more artful and more difficult to defeat ; because in order to the Justification of our Measures, it is necessary to take a Review of past Transactions, and to consider what was necessarily implied by former Determinations of the Parliament.

‘ The Period, my Lords, to which this Consideration will necessarily carry us back, is the Time at which, after the late tedious War, a Peace was, on whatever Terms, concluded with *France*. It is well known, that the Confederates demanded, among other Advantages, a Cession of that Part of *Flanders*, which had been for many Years in the Possession of *Spain*, and which open’d a Way by which the Ambition of the House of *Bourbon* might make Inroads at Pleasure into the Dominions of either the *Austrians* or *Dutch*. This they were immediately interested in preventing ; and as we knew the Necessity of preserving the Equipoise of Power, we likewise were remotely engag’d to promote any Measures by which it might be secur’d. In this Demand therefore all the Confederate Powers naturally united, and by their united Influence enforced Compliance. But tho’ it was easy, with no great Profundity of political Knowledge, to discover from whom these Provinces should be taken away, yet, to whom they should be given, was a Question of more Difficulty ; since they might add to the Power that had Opportunities of improving



An. 16. Geo. II. proving them, such an Increase of Commerce and Wealth,  
 1742.



as might defeat the End for which they were demanded, and destroy the Balance of Power, by transferring too much Weight into another Scale. And Mankind has learned, my Lords, by Experience, that exorbitant Power will always produce exorbitant Pride; that very few, when they can oppress with Security, will be contained within the Bounds of Equity by the Restraints of Morality or of Religion; and that therefore the only sure Method of establishing a lasting Peace is to divide Power so equally, that no Party may have any certain Prospect of Advantage by making War upon another.

‘ For this Reason, my Lords, it was apparently contrary to our Interest, to grant those Provinces to those to whom by their Situation they might have been most useful. Such Countries, and such Manufactures in the Hands of a People versed perhaps beyond all others, both in the Science and the Stratagems of Trade, and always watchful to improve every Opportunity of increasing their Riches, would have enabled them in a short Time to purchase an Interest in the Councils of all the Monarchs of the World, to have maintained Fleets that might have covered the Ocean, and to have obtained that universal Dominion to which the *French* have so long aspired, and which it is perhaps more for the Interest of Mankind, that if Slavery cannot be prevented, they should obtain, as they perhaps would use their Power with more Generosity.

‘ The same Reason, my Lords, naturally made the *Dutch* unwilling to put these Provinces in the Hands of *Great Britain*; for we likewise make a Profession of Trade, though we do not pursue it with the same Ardour, or to confess the Truth, with the same Success: It was not however to be imagined, that there would not be found among us some Men of Sagacity to discern, and of Industry to improve the Opportunities, which the new Dominions would have put into our Hands of vending our Manufactures in Parts, where at present they are very little known. Nor was this the only Danger to be feared from such an Increase of Dominions: The *Dutch* have not yet forgotten, that though we at first rescued them from Slavery, patronised the Infancy of their State, and continued our Guardianship, till it was grown up to Maturity, and enabled to support itself by its own Strength, yet we afterwards made very vigorous Attempts to reduce it to its original Weakness, and to sink it into Pupillage again; that we attempted to invade the most essential Part of its Rights, and to prescribe the Number of Ships that it should maintain. They know likewise, my Lords, that by the  
 natural

natural Rotation of human Affairs, the same Counsels may in some future Reign be again pursued, or that some unavoidable Conflict of Interest may produce a Contest that can be decided only by the Sword ; and then it may easily be perceived, how much they would be endangered by the Neighbourhood of *British* Garrisons, and of Countries, where we might maintain numerous Armies at a very small Expence. It is therefore no Subject of Wonder, that a Nation much less subtle than the *Dutch* should find out how much it was their Interest, that we should be confined within the Limits of our own Island ; and that we should not have it in our Power to attack them with Armies as well as Fleets, and at once to obstruct their Commerce and invade their Country.

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‘ There remained, therefore, my Lords no Power but the Emperor to whom these Provinces could be consigned ; and to him, therefore they were given, but given only in Trust for the joint Advantage of the whole Confederacy ; he indeed enjoy’d their Revenues, on Condition that he should support the Garrisons necessary to their Defence ; but he cannot transfer them to any other Power, or alienate them to the Detriment of those Nations who concurred in acquiring them.

‘ It may not be improper, my Lords, to observe, that on this Contract depends the Justice of our Conduct with Regard to the Company established at *Ostend*, for carrying on a Trade to the *East Indies*. These Provinces were granted to the Confederate Powers, and consigned to the Emperor to be enjoyed by him for the Common Benefit : It was, therefore, plainly intended by this Contract, that he should use none of the Advantages which these new Dominions afforded him, to the Detriment of those Powers by whose Gift he enjoyed them ; nor could it be supposed, that the *Dutch* and *English* debarred each other from those Opportunities of Trade, only to enable the Emperor to rival them both.

‘ The Towns, therefore, my Lords, were at this Time determined by the Parliament to be the general Property of all the Confederate Powers, acquired by their united Arms, and to be preserved for their common Advantage, as the Pledge of Peace, and the Palladium of *Europe*. If, therefore it should at any Time happen, that they should be endangered either by the Weakness or Neglect of any one of those Powers, the rest are to exert their Right, and endeavour their Preservation and Security : Nor is there any new Stipulation or Law necessary for this ; since with Respect to the Confederates it is implied in the original Stipulation,

and

An. 16. Geo. II. and with Regard to the Parliament of *Great Britain*, in the  
 1742 } Approbation which was bestowed upon that Contract, when  
 it was made.

‘ The Time, my Lords, in which this common Right is to be exerted is now arrived ; the Queen of *Hungary* invaded in her hereditary Dominions, and pressed on every Side by a general Combination of almost all the surrounding Princes, declares herself no longer able to support the Garrisons of the Barrier ; and informs us, that she intends to recal her Troops for the Defence of their own Country. What then is more apparent, my Lords, than that either these Towns must fall again into the Hands of the *French*, and that we shall be obliged to recover them, if they can ever be recovered, at the Expence of another ten Years War ; or that either we or the *Dutch* must send Troops to supply the Place of those which the Necessities of their Sovereign oblige her to withdraw ?

‘ That the Towns of *Flanders* should be resigned gratuitously to *France*, that the Enemies of Mankind should be put in Possession of the strongest Bulwarks in the World, surrounded by Fields and Pastures able to maintain their Garrisons without Expence, will not be proposed by any of this House. But it may easily and naturally be objected, that the *Dutch* ought to garrison these Towns as more nearly interested in their Preservation, and more commodiously situated for their Defence ; nor can it be, indeed, denied, that the *Dutch* may be justly censured for their Neglect, as they appear to leave the common Cause to our Protection, and to prefer their Commerce and their Ease to their own Safety and the Happiness of *Europe*.

‘ This, my Lords, has been very warmly asserted in their own Assemblies, nor have there been wanting Men of Spirit and Integrity amongst them, who have despised the Gold and Promises, and detected the Artifices of *France*, who have endeavoured by all the Arts of Argument and Persuasion to rouse their Countrymen to Remembrance of their former Danger, and to an Inquiry into their real Interest ; who have advised the Levy of new Forces, and the Establishment of a new Confederacy ; who have called upon the State to face Danger while it is yet distant, and to secure their own Country by pouring their Garrisons into the Towns and Citadels by which their Frontiers are protected.

‘ If their Arguments, however just, have not yet attained their End, it is to be imputed to their Constitution embarrassed by the Combination of different Interests, which must be reconciled, before any Resolution can be formed ; a single  
 Town,

Town, my Lords, can, by refusing its Consent, put a Stand to the most necessary Designs, and it is easily to be imagin'd, that by a Monarch equally crafty and rich, a single Town may sometimes be brib'd into Measures contrary to the public Interest.

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But, my Lords, the Negligence of the *Dutch* is a Motive which ought to incite us to Vigour and Dispatch ; since it is not for the Sake of the *Dutch* but ourselves, that we desire the Suppression of *France*. If the *Dutch* are at length convinced of the Ease of Slavery, and think Liberty no longer worth the Labour of preserving it, if they are tired with the Task of labouring for the Happiness of others, and have forsaken the Stand on which they were placed, as the general Watch of the World, to indulge themselves in Tranquillity and Slumber,—let not us, my Lords, give way to the same Infatuation,—let not us look with Neglect on the Deluge that roll towards us till it has advanced too far to be resisted. Let us remember, that we are to owe our Preservation only to ourselves, and redouble our Efforts in Proportion as others neglect their Duty. Let us shew Mankind, that we are neither afraid to stand up alone in Defence of Justice and of Freedom, nor unable to maintain the Cause that we have undertaken to assert.

‘ But if it should be thought by any of this noble Assembly, that the Concurrence of the *Dutch* is absolutely necessary to a Prospect of Success, it may be reasonably answer'd, that by engaging in Measures which can leave no doubt of either our Power or our Sincerity, the Concurrence of the *Dutch* is most likely to be obtained. By this Method of Proceeding, my Lords, was formed the last mighty Confederacy by which the House of *Bourbon* was almost shaken into Ruins. The *Dutch* then, as now, were slow in their Determinations, and perhaps equally diffident of their own Strength and our Firmness ; nor did they agree to declare War against *France*, till we had transported ten thousand Men into *Flanders*, and convinced them that we were not inviting them to a mock Alliance, but that we really intended the Reduction of that Nation which had so long extended itself without Interruption, and threatened in a short Time to swallow up all the Western Nations.

‘ Thus, my Lords, it appears, that the Measures which have been pursued are just, politick and legal ; that they have been prescribed by the Determinations of former Parliaments, and therefore cannot be censured as arbitrary ; and that they have a Tendency to the Preservation of those Territories which it was once thought so much Honour to acquire: And

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it may be yet farther urged, that tho' they are to be consider'd only as the first Tendencies to secure greater Designs, they have already produced Effects apparently to the Advantage of the Common Cause, and have obliged the *French* to desist from their Pursuit of the Queen of *Hungary*, and rather to inquire how they shall return Home than how they shall proceed to farther Conquests.

' In Condemnation of these Measures, my Lords, it has indeed been urged, that a moderate Conduct is always eligible ; and that nothing but Ruin and Confusion can be expected from Precipitation and Temerity. Moderation, my Lords, is a very captivating Sound ; but I hope it will have now no Influence on this Assembly, because on this Occasion it cannot properly be employ'd. I have always been taught, that Moderation is only useful in forming Determinations or Designs, but that when once Conviction is attained, Zeal is to take Place ; and when a Design is planned, it ought to be executed with Vigour.

' The Question is not now, my Lords, whether we shall support the Queen of *Hungary*, but in what Manner she shall be supported ; and therefore it cannot be doubted, but that such Support should be granted her as may be effectual : And I believe it will not be thought that we can assist her, without exerting an uncommon Degree of Vigour, and shewing, that we consider ourselves as engag'd in a Cause which cannot be abandon'd without Disgrace and Ruin.

' If the noble Lord had, before he enter'd upon his Encomium on Moderation, consider'd what Effects could be promised from his favourite Virtue, he would have had no Inclination to display his Eloquence upon it. By Moderation, my Lords, uninterrupted Moderation of more than twenty Years, have we become the Scorn of Mankind, and expos'd ourselves to the Insults of almost every Nation in the World. By Moderation have we betray'd our Allies, and suffer'd our Friendship to lose all its Value. By Moderation have we given up Commerce to the Rapacity of an Enemy, formidable only for his Perseverance, and suffered our Merchants to be ruin'd, and our Sailors to be enslaved. By Moderation have we permitted the *French* to grasp again at general Dominion, to over-run *Germany* with their Armies, and to endanger again the Liberties of Mankind ; and by continuing for a very few Years the same laudable Moderation, we shall probably encourage them to shut up our Ships in our Harbours, and demand a Tribute for the Use of the Channel.

' I need not observe to your Lordships, that all the great  
Actions

Actions that have in all Ages been atchieved have been the Effects of Resolution, Diligence, and daring Activity. Virtues wholly opposite to the Calmness of Moderation, I need not observe, that the Advantages enjoy'd at present by the *French*, are the Consequences of that Vigour and Expedition by which they are distinguished, and which the Form of their Government enables them to exert. Had they, my Lords, instead of pouring Armies into the *Austrian* Dominions, and procuring by the Terror of their Troops the Election of an Emperor, pursued these Measures of Moderation which have been so pathetically recommended, how easily had their Designs been defeated? Had they lost Time in persuading the Queen of *Hungary* by a solemn Embassy to resign her Dominions, or attempted to influence the Diet by amicable Negotiations, Armies had been levied, and the Passes of *Germany* had been shut against them; they had been opposed on the Frontiers of their own Dominions by Troops equally numerous and warlike with their own, and instead of imposing a Sovereign on the Empire, had been perhaps pursued into their own Country.

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‘ But, my Lords, whether Moderation was not recommended to them by such powerful Oratory as your Lordships have heard, or whether its Advocates met with an Audience not easily to be convinced, it is plain that they seem to have acted upon very different Principles, and I wish their Policy had not been so strongly justified by its Success. By sending an Army into *Germany*, my Lords, when there were no Forces ready to oppose them, they reduced all the petty Princes to immediate Submission, and obliged those to welcome them as Friends, who would gladly have united against them as the inveterate Enemies of the whole *Germanic* Body; and who, had they been firmly joined by their Neighbours under a general Sense of their common Danger, would have easily raised an Army able to have repelled them.

‘ This, my Lords, was the Effect of Vigour, an Effect very different from that which we had an Opportunity of experiencing as the Consequence of *Moderation*; it was to no Purpose that we endeavoured to alarm Mankind, by Remonstrances, and to procure Assistance by Intreaties and Solicitations; the universal Panic was not to be removed by Advice and Exhortations; the Queen of *Hungary* must have sunk under the Weight of a general Combination against her, had we not at last risen up in her Defence, and with our Swords in our Hands, set an Example to the Nations of *Europe*, of Courage and Generosity.

‘ It then quickly appeared, my Lords, how little is to  
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be expected from cold Persuasion, and how necessary it is, that he who would engage others in a Task of Difficulty should shew himself willing to partake of the Labour which he recommends. No sooner had we declared our Resolution to fulfil our Stipulations, and ordered our Troops to march for the Relief of the Queen of *Hungary*, than other Princes discovered that they had the same Dispositions, though they had hitherto thought it prudent to conceal them ; that they equally with ourselves hated and feared the *French*, that they were desirous to repress their Insolence and oppose their Conquests, and only waited for the Motions of some Power who might stand at the Head of the Confederacy, and lead them forwards against the Common Enemy.

‘ The liberal Promises of Dominion made by the *French*, by which the Sovereigns of *Germany* had been tempted to concur in a Design which they thought themselves unable to oppose, were now no longer regarded ; they were considered only as the Boasts of imaginary Greatness, which would at last vanish into Air ; and as every one of them knew, that the ultimate Design of *France*, was to oppress equally her Enemies and Friends, they wisely despised her Offers, and either desisted from the Designs to which they had been incited by her, or declared themselves ready to unite against her.

‘ This, my Lords, has been the Consequence of assembling the Army, which by the Motion now under our Consideration some of your Lordships seem desirous to disband, an Inclination of which I cannot discover from whence it can arise. For what, my Lords, must be the Consequence, if this Motion should be complied with ? What but the total Destruction of the whole System of Power, which has been so laboriously formed and so strongly compacted ? What but the immediate Ruin of the House of *Austria*, by which the *French* Ambition has been so long restrained ? What but the Subversion of the Liberties of *Germany*, and the Erection of an universal Empire, to which all the Nations of the Earth must become Vassals ?

‘ Should the Auxiliary Troops be disbanded, the Queen of *Hungary* would find what Benefit she has received from them, by the Calamities which the Loss of them would immediately bring upon her. All the Claims of all the neighbouring Princes, who are now awed into Peace and Silence, would be revived, and every one would again believe, that nothing was to be hoped or feared but from *France*. The *French* would again rush forward to new Invasions, and spread Desolation over other Countries, and the House of *Austria* would be more weakened than by the Loss of many Battles in its present State.

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' The Support of the House of *Austria* appears not, indeed, much to engage the Attention of those by whom this Motion is supported. It has been represented as a House equally ambitious and perfidious with that of *Bourbon*, and equally an Enemy both to Liberty and to true Religion: And a very celebrated \* Author has been quoted to prove, that it is the Interest of the *Germans* themselves to see a Prince at their Head, whose hereditary Dominions may not incite him to exert the Imperial Power to the Disadvantage of the inferior Sovereigns.

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' In order to the Consideration of these Objections, it is necessary to observe, my Lords, that national Alliances are not like Leagues of Friendship, the Consequences of an Agreement of Disposition, Opinions, and Affections, but like Associations of Commerce formed and continued by no Similitude of any Thing but Interest. It is not therefore necessary to enquire what the House of *Austria* has deserved from us or from Mankind; because Interest, not Gratitude, engages us to support it. It is useless to urge, that it is equally faithless and cruel with the House of *Bourbon*, because the Question is not, whether both shall be destroy'd, but whether one should rage without Controul. It is sufficient for us that their Interest is opposite, and that Religion and Liberty may be preserv'd by their mutual jealousy. And I confess, my Lords, that were the *Austrians* about to attain unlimited Power by the Conquest or Inheritance of *France* and *Spain*, it would be no less proper to form Confederacies against them.

' The Testimony which has been produc'd of the Convenience of a weak Emperor, is to be consider'd, my Lords, as the Opinion of an Author whose Birth and Employment had tainted him with an inveterate Hatred of the House of *Austria*, and filled his Imagination with an habitual Dread of the Imperial Power. He was born, my Lords, in *Sweden*, a Country which had suffer'd much by a long War against the Emperor, he was a Minister to the Electors of *Brandenburg* †, who naturally looked with Envy on the Superiority of *Austria*, and could not but wish to see a weaker Prince upon the Imperial Throne, that their own Influence might be greater; nor can we wonder, that a Man thus born and thus supported should adopt an Opinion, by which the Pride of his Master would be flatter'd, and perhaps the Interest of his own Country promoted.

' It is likewise, my Lords, to be remarked, that there was then no such Necessity for a powerful Prince to stand at the Head of the *Germans*, and to defend them with his own Forces till they could unite for their own Preservation. The

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Power

\* Baron Puffendorf.

† Now King of Prussia.



An. 16. Geo. II, Power of *France* had not then arriv'd at its present Height, nor had their Monarchs openly threaten'd to enslave all the Nations of *Europe*. The Princes of the Empire had then no Oppression to fear, but from the Emperor ; and it was no wonder, that when he was their only Enemy, they wished that his Power was reduced.

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' How much the State of the Continent is now changed, is not necessary to mention, nor what Alteration that Change has introduc'd into the Politicks of all Nations ; those who formerly dreaded to be overwhelmed by the Imperial Greatness can now only hope to be secured by it from the Torrent of the Power of *France* ; and even those Nations who have formerly endeavoured the Destruction of the House of *Austria*, may now rejoice, that they are shelter'd by its Interposition, from Tyrants more active and more oppressive.

' But, my Lords, though it should be granted that the House of *Austria* ought not to be supported, it will not, in my Opinion, follow, that this Motion deserves our Approbation ; because it will reduce us to a State of Imbecility, and condemn us to stand as passive Spectators of the Disturbances of the World, without Power and without Influence, ready to admit the Tyrant to whom Chance shall allot us, and receive those Laws which the prevailing Power shall vouchsafe to transmit.

' Whether we ought to support the House of *Austria*, to prevent its utter Subversion, or restore it to its former Greatness, whatever may be my private Opinion, I think it not on this Occasion necessary to assert ; it is sufficient to induce us to reject this Motion, that we ought to be at least in a Condition that may enable us to improve those Opportunities that may be offered, and to hinder the Execution of any Design that may threaten immediate Danger to our Commerce or our Liberty.

' Another popular Topick, my Lords, which has been echoed on the present Occasion, is the Happiness of Peace, and the Blessing of uninterrupted Commerce and undisturb'd Security. We are perpetually told of the Hazards of War, whatever may be the Superiority of our Skill or Courage, of the Certainty of the Expences, the Bloodshed, and the Hardships, and Doubtfulness of the Advantages which we may hope from them ; and it is daily urged with great Vehemence, that Peace upon the hardest Conditions is preferable to the Honour of Conquests, and the Festivity of Triumphs.

' These Maxims, my Lords, which are generally true in the Sense which their Authors intended, may be very properly urged against the wild Designs of Ambition, and the  
romantick

romantick Undertakings of wanton Greatness; but have no Place in the present Inquiry which relates to a War not made by Caprice but forced upon us by Necessity; a War to which all the Encomiums on Peace must in reality incite, because Peace alone is the End intended to be obtained by it.

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‘ Of the Necessity of Peace to a trading Nation it is not possible, my Lords, to be ignorant; and therefore no Man can be imagined to propose a State of War as eligible in itself. War, my Lords, is in my Opinion only to be chosen, when Peace can be no longer enjoyed, and to be continued only till a Peace secure and equitable can be attained. In the present State of the World, my Lords, we fight not for Laurels, nor Conquests, but for Existence. Should the Arms of *France* prevail, and prevail they must unless we oppose them, the *Britons* may in short Time be no longer a Nation, our Liberties will be taken away, our Constitution destroyed, our Religion persecuted, and perhaps our Name abolish’d.’

‘ For the Prevention of Calamities like these, not for the Preservation of the House of *Austria*, it is necessary, my Lords, to collect an Army; for by an Army only can our Liberties be preserved, and such a Peace obtained, as may be enjoyed without the Imputation of Supineness and Stupidity.

‘ Of this the other House appears to be sufficiently convinced, and has therefore granted Money for the Support of the Auxiliary Troops, nor do I doubt but your Lordships will concur with them, when you shall fully consider the Motives upon which they may be suppos’d to have proceeded, and reflect, that by dismissing these Troops, we shall sacrifice to the Ambition of *France*, the House of *Austria*, the Liberties of *Europe*, our own Happiness, and that of our Posterity; and that by resolving to exert our Force for a short Time, we may place the Happiness of Mankind beyond the Reach of Attacks and Violation.

Then the Earl of *Chesterfield* stood up, and spoke as follows: L. *Chesterfield*.

My Lords,

‘ The Considerations which were laid before you by the noble Lords who made and seconded the Motion, are so important in themselves, and have been urged with so much Force and Judgment, that I shall not endeavour to add any new Arguments; since where those fail which have been already offer’d, it is not likely that any will be effectual: But I shall endeavour to preserve them in their full Force by removing the Objections which have been made to them.

‘ The

An. 16. Geo. II.

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‘ The first Consideration that claims our Attention is the Reverence due to the Parliament, to the great Council of the Nation, which ought always to be consulted, when any important Design is formed, or any new Measures adopted, especially if they are such as cannot be defeated by being made publick, and such as an uncommon Degree of Expence is necessary to support.

‘ These Principles, my Lords, which I suppose no Man will contest, have been so little regarded by the Ministry on the present Occasion, that they seem to have endeavoured to discover by a bold Experiment, to what Degree of Servility Parliaments may be reduced, and what Insults they will be taught to bear without Resentment; for they have, without the least previous Hint of their Design, made a Contract for a very numerous Body of Mercenaries, nor did they condescend to inform the Parliament, till they ask’d for Money to pay for them.

‘ To execute Measures first and then to require the Approbation of the Parliament, instead of the Advice, is surely such a Degree of Contempt as has not often been shewn in the most arbitrary Reigns, and such as would once have provoked such Indignation in the other House that there would have been no Need in this of a Motion like the present.

‘ But, my Lords, in Proportion as the other House seems inclined to pay an implicit Submission to the Dictates of the Ministry, it is our Duty to increase our Vigilance, and to convince our Fellow-Subjects, by a steady Opposition to all Encroachments, that we are not, as we have been sometimes stiled, an useless Assembly, but the last Resort of Liberty, and the chief Support of the Constitution.

‘ The present Design of those, who have thus dared to trample upon our Privileges, appears to be nothing less than that of reducing the Parliaments of *Great Britain* to the same abject Slavery with those of *France*; to shew the People that we are to be considered only as their Agents to raise the Supplies which they shall be pleased, under whatever Pretences, to demand, and to register such Determinations as they shall condescend to lay before us.

‘ This Invasion of our Rights, my Lords, is too flagrant to be born, tho’ the Measures which we are thus tyrannically requir’d to support, were really conducive in themselves to the Interest of *Great Britain*: This indeed might reasonably have been expected, for what Head can be imagined so ill formed for Politicks as not to know, that the first Acts of arbitrary Power ought to be in themselves popular, that the Advantage of the Effect may be a Balance to the Means by which it is produced.

‘ But

‘ But these wonderful Politicians, my Lords, have heap-  
ed one Blunder upon another, they have disgusted the Nation  
both by the Means and the End ; and have insulted the Parli-  
ament with no other View than that of plundering the Peo-  
ple : They have ventured without the Consent of the Parlia-  
ment to pursue Measures, of which it is obvious, that they  
were only kept secret, because they easily foresaw, that they  
would not be approved,

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‘ For that the Hire of Mercenaries from *Hanover*, my  
Lords, would have been rejected with general Indignation ;  
that the Proposal would have produced Hisses, rather than  
Censures ; and that the Arguments which have been hither-  
to used to support it, would, if personal Regards did not  
make them of some Importance, produce Laughter ofner  
than Replies, cannot surely be doubted.

‘ It has been said, in Vindication of this wise Scheme,  
that no other Troops could be obtained but those of *Hanover* ;  
an Assertion which, I hope, I may be allow’d to examine,  
because it is yet a bare Assertion without Argument, and  
against Probability ; since it is generally known, how wil-  
lingly the Princes of *Germany* have on all former Occasions  
sent out their Subjects to Destruction, that they might fill  
their Coffers with their Pay ; nor do I doubt but that there  
is now in the same Country the usual Super-abundance of  
Men, and the usual Scarcity of Money. I make no Ques-  
tion, my Lords, that many a *German* Prince would gladly fur-  
nish us with Men as a very cheap Commodity, and think  
himself sufficiently rewarded by a small Subsidy. There  
could be no Objection to these Troops from the Constitution  
of the Empire, which is not of equal Force against the Forces  
of *Hanover* ; nor do I know why they should not rather  
have been employ’d, if they could have been obtain’d at a  
cheaper Price.

‘ The Absurdity of paying Levy-Money for Troops regu-  
larly kept up, and of hiring them at a higher Rate than was  
ever paid for Auxiliaries before, has been so strongly urged  
and so fully explained, that no Reply has been attempted by  
those who have hitherto opposed the Motion, having rather  
endeavoured to divert our Attention to Foreign Considera-  
tions than to vindicate this Part of the Contract, which is  
indeed too shameful to be palliated, and too gross to be  
overlooked.

‘ It is however proper to repeat, my Lords, that tho’ it  
cannot be confuted, it may be forgotten in the Multitude of  
other Objects, that this Nation, after having exalted the  
Elector of *Hanover*, from a State of Obscurity, to the Crown,  
is

An. 16. Geo. II. is condemned to hire the Troops of *Hanover* to fight their own Cause, to hire them at a Rate which was never demanded for them before, and to pay Levy-Money for them, though it is known to all *Europe*, that they were not raised on this Occasion.

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‘ Nor is this the only Hardship or Folly of this Contract ; for we are to pay them a Month before they march into our Service, we are to pay those for doing nothing, of whom it might have been, without any unreasonable Expectations, hoped, that they would have exerted their utmost Force without Pay.

‘ For it is apparent, my Lords, that if the Designs of *France* be such, as the noble Lords who oppose the Motion represent them, *Hanover* is much nearer to Danger than *Great Britain* ; and therefore they only fight for their own Preservation ; since though they have for a single Year been blessed with a Neutrality, it cannot be imagined, that the same Favour will be always granted them, or that the *French*, when they have over-run all the rest of *Germany*, will not annex *Hanover* to their other Dominions.

‘ Besides, my Lords, it is well known, that *Hanover* is equally engaged by Treaty with *Great Britain* to maintain the Pragmatick Sanction, and that a certain Proportion of Troops are to be furnished. But, my Lords, as to the March of that Body of Forces I have yet heard no Account ; will any Lord say that they have marched ? I therefore suppose, that the Wisdom and Justice of our Ministers has comprehended them in the Sixteen Thousand who are to satten upon *British* Pay, and that *Hanover* will support the Pragmatick Sanction at the Cost of this inexhaustible Nation.

‘ The Service which those Troops have already done to the Common Cause has been urged with great Pomp of Exaggeration, of which what Effect it may have had upon others I am not able to say ; for my Part, I am convinced, that the great Happiness of this Kingdom is the Security of the establish’d Succession ; and am therefore always of Opinion, that no Measures can serve the Common Cause, the Cause of Liberty or of Religion, or of general Happiness, by which the Royal Family loses the Affections of the People. And I can with great Confidence affirm, that no Attempt for many Years has raised a greater Heat of Resentment, or excited louder Clamours of Indignation, than the Hire of *Hanoverian* Troops : Nor is this Discontent raised only by artful Misrepresentations formed to inflame the Passions and perplex the Understanding, it is a settled and rational Dislike which every Day contributes to confirm, which

will

will make all the Measures of the Government suspected, and may in Time, if not obviated, break out into Sedition. An. 16. Geo. II  
1742.

A Jealousy of *Hanover* has indeed for a long Time prevailed in the Nation; the frequent Visits of our Kings to their Electoral Dominions, contrary to the original Terms on which this Crown was conferred upon them, have inclined the People of *Great Britain* to suspect, that they have only the second Place in the Affection of their Sovereign; nor has this Suspicion been made less, by the large Accessions made to those Dominions by Purchases, which the Electors never appear'd able to make before their Exaltation to the Throne of *Great Britain*, and by some Measures which have been apparently taken only to aggrandise *Hanover* at the Expence of *Great Britain*.

‘ These Measures, my Lords, I am very far from imputing to our Sovereign or his Father; the Wisdom of both is so well known, that they cannot be imagin’d to have incurr’d, either by Contempt or Negligence, the Disaffection of their Subjects. Those, my Lords, are only to be blamed, who concealed from them the Sentiments of the Nation, and for the Sake of promoting their own Interest betrayed them, by the most detestable and pernicious Flattery, into Measures which could produce no other Effect than that of making their Reign unquiet, and of exasperating those who had concurr’d with the warmest Zeal in supporting them on the Throne.

‘ It is not without an uncommon Degree of Grief, that I hear it urged in Defence of this Contract, that it was approved by a very numerous Council; for what can produce more Sorrow in an honest and a loyal Breast, than to find that our Sovereign is surrounded by Councillors, who either do not know the Desires and Opinions of the People or do not regard them, who are either so negligent as not to examine how the Affections of the Nation may be best preserved, or so rash as to pursue those Schemes by which they hope to gratify the King at whatever Hazard, and who for the Sake of flattering him for a Day, will risque the Safety of his Government and the Repose of his Life.

‘ It has with Regard to these Troops been asked by the noble Lord, who spoke last, what is the Intent of this Motion but to disband them? What else indeed can be intended by it, and what Intention can be more worthy of this august Assembly? By a steady Pursuit of this Intention, my Lords, we shall regain the Esteem of the Nation which this daring Invasion of our Privileges may be easily suppos’d to have impaired. We shall give our Sovereign an Opportunity by a gracious Condescension to our Desires, to recover those Affections

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tions of which the pernicious Advice of Flatterers has deprived him; we shall obviate a Precedent which threatens Destruction to our Liberties, and shall set the Nation free from an universal Alarm. Nor, in our present State; is it to be mentioned as a trifling Consideration, that we shall hinder the Wealth of the Nation from being ravish'd from our Merchants, our Farmers and our Manufacturers, to be squandered upon Foreigners; and Foreigners, from whom we can hope for no Advantage.

‘ But it may be asked, my Lords, how the great Cause of Liberty is to be supported, how the House of *Austria* is to be preserv'd from Ruin, and how the Ambition of *France* is to be repress'd? How all this is to be effected, my Lords, I am very far from conceiving myself qualified to determine; but surely it will be very little hindered by the Dismissal of Troops, whose Allegiance obliges them not to fight against the Emperor, and of whom therefore it does not easily appear how they can be very useful Allies to the Queen of *Hungary*.

‘ But whatever Service is expected from them, it may surely, my Lords, be performed by the same Number of *British* Troops; and that Number may be sent to supply their Place, without either Delay or Difficulty, I will venture to say, without any Hazard. If it be objected, as it has often been, that by sending out our Troops, we shall leave our Country naked to Invasion, I hope I may be allow'd to ask who will invade us? The *French* are well known to be the only People whom we can suspect of any such Design. They have no Fleet on this Side of their Kingdom, and their Ships in the *Mediterranean* are block'd up in the Harbour by the Navies of *Great Britain*. We shall still have at Home a Body of Seven Thousand Men, which was thought a sufficient Security in the late War, when the *French* had a Fleet equal to our own. Why we should now be in more Danger from without I cannot discover; and with regard to intestine Commotions, they will be prevented by Compliance with the present Motion. For nothing can incite the People of *Great Britain* to oppose those who have openly dismiss'd the Troops of *Hanover*.

‘ But, my Lords, I am not yet at all convinced, that the End for which those Troops are said to be hired, ought to be pursued, or can be attained by us; and if the End be in itself improper or impossible, it certainly follows, that the Means ought to be laid aside.

‘ If we consider the present State of the Continent, we shall find no Prospect by which we can be encouraged to hazard our Forces or our Money. The King of *Sardinia* has

has indeed declared for us, and opposed the Passage of the *Spaniards*, but he appears either to be deficient in Courage, or in Prudence, or in Force ; for instead of giving Battle on his Frontiers, he has suffered them, with very little Resistance, to invade his Territories, to plunder and insult his Subjects, and to live at his Expence ; and it may be suspected, that if he cannot drive them out of his Country, he will in Time be content to purchase their Departure, by granting them a Passage thro' it, and rather give up the Dominions of his Ally to be ravaged, than preserve them at the Expence of his own.

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1742.

' If we turn our Eyes towards the *Dutch*, we shall not be more encouraged to engage in the Wars on the Continent ; for whatever has been asserted of their Readiness to proceed in Conjunction with us, they appear hitherto to behold with the most supine Tranquillity the Subversion of the *German* System, and to be satisfied with an undisturbed Enjoyment of their Riches and their Trade. Nor is there any Appearance, my Lords, that their Concurrence is withheld only by a single Town, as has been insinuated ; for the Vote of any single Town, except *Amsterdam*, may be over-ruled, and the Resolution has passed the necessary Form, when it is opposed by only one Voice.

' If we take a View, my Lords, of their late Conduct, without suffering our Desires to mislead our Understandings, we shall find no Reason for imagining, that they propose any sudden Alteration of their Conduct, which has been hitherto consistent and steady, and appears to arise from established Principles which nothing has lately happen'd to incline them to forsake.

' When they were solicited to become, like us, the Guarantees of *Hanover*, they made no Scruple of returning, with whatever Unpoliteness, an absolute Refusal ; nor could they be prevail'd upon to grant what we appear to think that we were honour'd in being admitted to bestow. When they were called upon to fulfil their Stipulation, and support the Pragmatick Sanction, they evaded their own Contract, till all Assistance would have been too late, had not a lucky Discovery of the *French* Perfidy separated the King of *Prussia* from them ; and what Reason, my Lords, can be given, why they should now do what they refused, when it might have been much more safely and more easily effected ? Did they suffer the Queen of *Hungary* to be oppressed, only to shew their own Power and Affluence by relieving her ? Or can it be imagined, that Pity has prevailed over Policy or Cowardice ? They, who in Contempt of their own Treaties refused to

engage



An. 16. Geo. II. engage in a Cause while it was yet doubtful, will certainly think themselves justified in abandoning it when it is lost, and will urge, that no Treaty can oblige them to act like mad Men, or to undertake Impossibilities.

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‘ I am therefore convinced, my Lords, that they will not enter into an offensive Treaty, and that they have only engaged to do what their own Interest required from them without any new Stipulation, to preserve their own Country from Invasion by sending Garrisons into the Frontier Towns, which they may do without any Offence to *France*, or any Interruption of their own Tranquillity.

‘ Many other Treaties have been mentioned, my Lords, and mention’d with great Ostentation, as the Effects of consummate Policy, which will, I suspect, appear to be at least only defensive Treaties, by which the contracting Powers promise little more than to take Care of themselves.

‘ In this State of the World, my Lords, when all the Powers of the Continent appear benumb’d by a Lethargy, or shackled by a Panic, to what purpose should we lavish, in hiring and transporting Troops, that Wealth which Contest of nearer Importance immediately require.

‘ It is well known to our Merchants, whose Ships are every Day seized by Privateers, that we are at War with *Spain*, and that our Commerce is every Day impaired by the Depredations of an Enemy whom only our own Negligence enables to resist us ; but I doubt, my Lords, whether it is known in *Spain*, that their Monarch is at War with *Great Britain*, otherwise than by the Riches of our Nation, which are distributed among their Privateers, and the Prisoners who in the Towns on the Coast are wandering in the Streets. For I know no Inconvenience which they can be supposed to feel from our Hostilities, nor in what Part of the World the War against them is carried on. Before the War was declared, it is well remember’d by whom, and with how great Vehemence, it was every Day repeated, that to end the War with Honour we ought to *take and hold*. What, my Lords, do we *hold*, or what have we *taken* ? What has the War produced in its whole Course from one Year to another, but Defeats, Losses, and Ignominy ? And how shall we regain our Honour, or retrieve our Wealth by engaging in another War more dangerous but less necessary ? We ought surely to humble *Spain* before we presume to attack *France* ; and we may attack *France* with better Prospects of Success, when we have no other Enemy to divert our Attention, or divide our Forces.

‘ That we ought indeed to make any Attempt upon *France*

*France*, I am far from being convinced, because I do not now discover, that any of the Motives subsist which engaged us in the last Confederacy. The House of *Austria*, tho' overborn and distress'd, was then powerful in itself, and possess'd of the Imperial Crown. It is now reduced almost below the Hopes of Recovery, and we are therefore now to restore what we were then only to support. But what, my Lords, is in my Opinion much more to be considered, the Nation was then unanimous in one general Resolution to repress the Insolence of *France*; no Hardships were insupportable that conduced to this great End, nor any Taxes grievous that were applied to the Support of the War. The Account of a Victory was esteemed as an Equivalent to Excises and to publick Debts; and the Possessions of us and our Posterity were cheerfully mortgaged to purchase a Triumph over the common Enemy. But, my Lords, the Disposition of the Nation with regard to the present War is very different. They discover no Danger threatening them, they are neither invaded in their Possessions by the Armies, nor interrupted in their Commerce by the Fleets of *France*, and therefore they are not able to find out why they must be sacrificed to an Enemy by whom they have been long pursued with the most implacable Hatred, for the Sake of attacking a Power from which they have hitherto felt no Injury, and which they believe cannot be provoked without Danger, nor opposed without such a Profusion of Expence as the Publick is at present not able to bear.

' It is not to be supposed, my Lords, that the Bulk of the *British* People are affected with the Distresses, or inflamed by the Magnanimity of the Queen of *Hungary*. This illustrious Daughter of *Austria*, whose Name has been so often echoed in these Walls, and of whom I am far from denying that she deserves our Admiration, our Compassion, and all the Assistance which can be given her consistently with the Regard due to the Safety of our own Country, is to the greatest Part of the People an imaginary Princess, whose Sufferings, or whose Virtues make no other Impression upon them than those which are recorded in fictitious Narratives, nor can they easily be persuaded to give up for her Relief the Produce of their Lands, or the Profits of their Commerce.

' Some indeed there are, my Lords, whose Views are more extensive, and whose Sentiments are more exalted; for it is not to be supposed, that either Knowledge or Generosity are confined to the Parliament or the Court; but these, my Lords, though they perhaps may more readily approve the End which the Ministry pretends to pursue, are less satisfied with

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1742.



with the Means by which they endeavour to attain it. By these Men it is easily discovered, that the Hopes which some so confidently express of prevailing upon the *Dutch* to unite with us for the Support of the Pragmatick Sanction, are without Foundation; they see that their Consent to place Garrisons in the Frontier Towns, however it may furnish a Subject of Exultation to those whose Interest it is to represent them as ready to concur with us, is only a new Proof of what was never doubted, their unvariable Attention to their own Interest, since they must for their own Security preserve their own Barrier from being seized by *France*. By this Act they incur no new Expence, they provoke no Enemies, nor give any Assistance to the Queen of *Hungary*, by which they can raise either Resentment in one Part or Gratitude in the other; and therefore it is not hard to perceive that, whatever is pretended, the *Dutch* hitherto observe the most exact Laws of Neutrality; and it is too evident, that if they refuse their Assistance we have very little to hope from a War with *France*.

‘ Nor is this the only Objection against the present Measures, for it is generally and not without sufficient Reason suspected, that the real Assistance of the Queen of *Hungary* is not intended; since the Troops which have been hired under that Pretence, are such as cannot march against the Emperor. It is known, that the *Hessians* have absolutely refused to infringe the Constitution of the *Germanic* Body by attacking him who is by a legal Grant acknowledged its Head; nor is it easy to conceive, why there should be a different Law for *Hanover* than for the other Electorates.

‘ The long Stay of the Troops in *Flanders*, a Place where there is no Enemy to encounter nor Ally to assist, is a sufficient Proof, that there is nothing more designed than that the Troops of *Hanover* shall loiter on the Verge of War, and receive their Pay for feasting in their Quarters, and shewing their Arms at a Review, and that they in Reality design nothing but to return home with full Pockets, and enjoy the Spoils of *Great Britain*.

‘ There may indeed be another Reason, my Lords, which hinders the Progress of the united Forces, and by which the *Britons* and *Hanoverians* may be both affected, though not both in the same Degree. It is by no Means unlikely, that the King of *Prussia* has forbidden them to advance, and declared, that the Emperor who was chosen by his Suffrage shall be supported by his Arms; if this be his Resolution, he is well known to want neither Spirit nor Strength to avow and support it, and there are Reasons sufficient to convince us, that he has declared it, and that our Troops are now

patiently waiting the Event of a Negotiation by which we are endeavouring to persuade him to alter his Design, if indeed, it be desired that he should alter it; for it is not certain, that the Elector of *Hanover* can desire the Restoration of the House of *Austria* to an hereditary Enjoyment of the Imperial Dignity; nor can it easily be shewn why the Politics of one House should differ from those of all the other Princes of the *German* Empire.

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‘ The other Princes, my Lords, have long wished for an Emperor with whom they might treat upon the Level; an Emperor who might owe his Dignity only to their Votes, and who therefore would be willing to favour them in Gratitude for the Benefit. They know, that the Princes of the House of *Austria* considered their Advancement to the Empire as the Consequence of their numerous Forces and large Dominions, and made Use of their Exaltation only to tyrannise under the Appearance of legal Right, and to oppress those as Sovereigns, whom they would otherwise have harassed as Conquerors.

‘ Before we can therefore hope for the Concurrence of the Princes of the Empire, we must inform them of our Design, if any Design has been yet laid out. Is it your Intention to restore the House of *Austria* to the full Enjoyment of its former Greatness? This will certainly be openly opposed by all those Powers who are strong enough to make Head against it, and secretly obstructed by those whose Weakness makes them afraid of publick Declarations. Do you intend to support the Pragmatick Sanction? This can only be done by defeating the whole Power of *France*, and for this you must necessarily provide Troops who shall dare to act against the present Emperor. So that it appears, my Lords, that we are attempting nothing, or attempting Impossibilities; that either we have no End in View, or that we have made use of an absurd Choice of Means by which it cannot be attained.

‘ Whatever be our Design with Regard to *Germany*, the War against *Spain* is evidently neglected, and indeed our Conduct proves that we intend neither to assist the *Austrians*, nor to punish the *Spaniards*; since we have in a great Measure disabled ourselves from either by the Neutrality which Captain *Martin* is said to have granted to the King of *Sicily*.

‘ I am therefore convinced, my Lords, that our Designs are not such as they are represented, or that they will not be accomplished by the Measures taken. I am convinced in a particular Manner, that the Troops of *Hanover* can be of no Use, that they will raise the Resentment of the Nation, already overwhelmed with unnecessary Burthens. I know like-

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wife, that they have been taken into Pay without the Consent of the Parliament, and am convinced, that if no other Objection could be raised, we ought not to ratify a Treaty which the Crown has made without laying it before us in the usual Manner. I need not therefore inform your Lordships, that I think the Motion now under your Consideration necessary and just; and that I hope upon an attentive Examination of the Reasons which have been offer'd, your Lordships will concur in it with that Unanimity which Evidence ought to enforce, and that Zeal which ought to be excited by publick Danger.'

Then the Duke of *Newcastle* spoke to the following Purport :  
*My Lords,*

D. of *Newcastle*.

' I know not by what imaginary Appearances of publick Danger the noble Lord is so much alarmed, nor what Fears they are which he endeavours with so much Art and Zeal to communicate to this Assembly. For my Part, I can, upon the most attentive Survey of our Affairs, discover nothing to be feared, but Calumnies and Misrepresentations; and these I shall henceforward think more formidable, since they have been able to impose upon an Understanding so penetrating as that of his Lordship's; and have prevailed upon him to believe what is not only false, but without the Appearance of Truth, and to believe it so firmly, as to assert it to your Lordships.

' One of the Facts which he has thus implicitly received, and thus publickly mentioned, is the Neutrality supposed to have been granted to the King of *Sicily*, from which he has amused himself and your Lordships with deducing very destructive Consequences, that perhaps need not to be allow'd him even upon Supposition of the Neutrality; but which need not now be disputed, because no Neutrality has been granted. Captain *Martin*, when he treated with the King, very cautiously declined any Declarations of the Intentions of the *British* Court on that Particular; and confined himself to the Subject of his Message, without giving any Reason for Hope or Despair of a Neutrality. So that if it shall be thought necessary, we are this Hour at Liberty to declare War against the King of *Sicily*, and may pursue the *Spaniards* with the same Freedom on his Coasts as on those of any other Power, and prohibit any Assistance from being given by him to their Armies in *Italy*.

' His Lordship's Notion of the Interposition of the King of *Prussia* in the Emperor's Favour, is another Phantom raised by Calumny to terrify Credulity; a Phantom, which will,

will, I hope, be entirely dissipated, when I have informed An. 16. Geo. II.  
the House, that the whole Suspicion is without Foundation : 1742.  
and that the King of *Prussia* has made no Declaration of  
any Design to support the Emperor, or of opposing us in  
the Performance of our Treaties. This Prince, my Lords,  
however powerful, active or ambitious, appears to be satisf-  
fied with his Acquisitions, and willing to rest in an inoffen-  
sive Neutrality.

‘ Such, my Lords, and so remote from Truth are the  
Representations which the Enemies of the Government have  
with great Zeal and Industry scattered over the Nation,  
and by which they have endeavoured to obviate those  
Schemes which they would seem to favour ; for by sinking  
the Nation to a Despair of attaining those Ends which they  
declare at the same Time necessary not only to our Hap-  
piness, but to our Preservation, what do they less than tell  
us, that we must be content to look unactive on the Cala-  
mities that approach us, and prepare to be crushed by that  
Ruin which we cannot prevent ?

‘ From this cold Dejection, my Lords, arises that De-  
spair which so many Lords have expressed of prevailing up-  
on the *Dutch* to unite with us. The Determinations of  
that People are, indeed, always slow, and the Reason of  
their Slowness has been already given ; but I am informed,  
that the general Spirit which now reigns among them is  
likely soon to over-rule the particular Interests of single  
Provinces ; and can produce Letters by which it will appear,  
that had only one Town opposed those Measures to which  
their Concurrence is now solicited, it had been long since  
over-ruled, for there want not among them Men equally en-  
amoured of the Magnanimity and Firmness of the Queen of  
*Hungary*, equally zealous for the general Good of Mankind,  
equally zealous for the Liberties of *Europe*, and equally con-  
vinced of the Perfidy, the Ambition, and the Insolence of  
*France*, with any Lord in this House.

‘ These Men, my Lords, have long endeavoured to rouse  
their Country from the Sloth of Avarice, and the Slumber  
of Tranquillity, to a generous and extensive Regard for the  
universal Happiness of Mankind ; and are now labouring in  
the General Assembly to communicate that Ardour with  
which they are themselves inflamed, and to excite that Zeal  
for publick Faith of which their superior Knowledge shows  
them the Necessity.

‘ It has been indeed insinuated, that all their Consulta-  
tions tend only to place Garrisons in those Towns from  
which the Queen of *Hungary* has withdrawn her Forces ;

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but this Supposition, my Lords, as it is without any Support from Facts, is likewise without Probability. For to gar-  
 rison the Barrier Towns requires no previous Debates nor  
 Deliberations; since it never was opposed even by those by  
 whom the Assistance of the Queen of *Hungary* has been most  
 retarded. Nor have even the Deputies of *Dort*, whose Ob-  
 stinacy has been most remarkable, denied the Necessity of  
 securing the Confines of their Country by possessing with their  
 own Troops those Places which the *Austrians* are obliged to  
 forsake. Their present Disputes, my Lords, must be there-  
 fore on some other Question, and what Question can be now  
 before them which can produce any Difficulties, but that  
 which regards the Support of the Pragmatick Sanction?

‘ If these Deliberations should be so far influenced by the  
 Arrival of the Army in the Pay of *Great Britain*, as to end  
 in a Resolution to send a sufficient Number of Forces into  
*Germany*, it will not be denied, that the Troops which give  
 Occasion to this Debate have really been useful to the Com-  
 mon Cause, nor will his Majesty lose the Affections of any  
 of his Subjects, by the false Accounts which have been spread  
 of an invidious Preference given to the Troops of *Hanover*.

‘ That every Government ought to endeavour to gain the  
 Esteem and Confidence of the People, I suppose, we are all  
 equally convinced; but I, for my Part, am very far from  
 thinking, that Measures ought only to be pursued or reject-  
 ed, as they are immediately favoured or disliked by the Po-  
 pulace. For as they cannot know either the Causes or the  
 End of publick Transactions, they can judge only from  
 fallacious Appearances, or the Information of those whose  
 Interest it may perhaps be to lead them away from the Truth.  
 That Monarch will be most certainly and most permanently  
 popular, who steadily pursues the Good of his People, even  
 in Opposition to their own Prejudices and Clamours, who  
 disregards Calumnies, which, though they may prevail for  
 a Day, Time will sufficiently confute, and slight Objec-  
 tions which he knows may be answered, and answered be-  
 yond Reply.

‘ Such, my Lords, are the Objections which have been  
 hitherto raised against the Troops of *Hanover*, of which  
 many arise from Ignorance and many from Prejudice; and  
 some may be supposed to be made only for the Sake of giving  
 Way to Invectives, and indulging a petulant Inclination of  
 speaking contemptuously of *Hanover*.

‘ With this View, my Lords, it has been asked why the  
*Hanoverians* are preferred to all other Nations? Why they  
 have been selected from all other Troops to fight against  
*France*

*France the Cause of Europe ?* They were chosen, my Lords, An. 16. Geo. II. 1742. because they were most easily to be procured. Of the other Nations from whom Forces have been usually hired, some were engaged in the Care of protecting, or the Design of extending their own Dominions, and others had no Troops levied, nor could therefore furnish them with Speed enough for the Exigence that demanded them

‘ It has been ask’d with an Air of Triumph, as a Question to which no Answer could be given, why an equal Number of *Britons* was not sent ; since their Valour might be esteemed at least equal to that of *Hanoverians* ? I am far, my Lords, from intending to diminish the Reputation of the *British* Courage, or detract from that Praise which has been gained by such gallant Enterprises, and preserved by a long Succession of Dangers and of Victories, nor do I expect, that any Nation will ever form a just Claim to Superiority. The Reason, therefore, my Lords, for which the Troops of *Hanover* were hired, was not, that the Bravery of our Countrymen was doubted ; but that the Transportation of such Numbers might leave us naked to the Insults of an Enemy. For tho’ the noble Lord has declared, that after having sent sixteen thousand into *Flanders*, we should still have reserved for our Defence a Body of 7000 equal to that to which the Protection of this Kingdom was intrusted in the late War, his Opinion will upon Examination be found to have arisen only from the Enumeration of the Names of our Regiments, many of which are far from being compleat, and some almost merely nominal ; so that perhaps, if a Body of sixteen thousand more had been sent, there would not have remained a single Regiment, to have repelled the Crew of any daring Privateer that should have landed to burn our Villages, and ravage the defenceless Country.

‘ It was desired, my Lords, by the Queen of *Hungary*, that a *British* Army might appear on the Continent in her Favour, for she knew the Reputation and Terror of our Arms, and as her Demand was equitable in itself and honourable to the Nation, it was complied with ; and as many of our native Troops were sent as it was thought convenient to spare, the rest were necessarily to be hired, and it is the Business of those Lords who defend the Motion, to shew from whence they could be called more properly than from *Hanover*.

‘ It has been urged with great Warmth, that the Contract made for these Troops has not been laid before the Parliament, a Charge, which the noble Lord who spoke last but



An. 16. Geo. II. one, has shewn to be ill grounded ; because the former Determinations of the Parliament enabled the Crown to garrison the Frontier Towns without any new Deliberations ; but which may be perhaps more satisfactorily confuted, by shewing, that it is an Accusation of neglecting that which was in reality not possible to be performed, or which at least could not be performed without subjecting the Government to Imputations yet more dangerous than those which it now suffers.

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‘ The Accounts, my Lords, by which the Ministry were determin’d to send an Army into *Flanders*, arriv’d only fifteen Days before the Recess of the Parliament, nor was the Resolution formed, as it may easily be imagined, till several Days after ; so that there was little Time for Parliamentary Deliberations, nor was it perhaps convenient to publish at that Time the whole Scheme of our Designs.

‘ But let us suppose, my Lords, that the Parliament had a few Days before they rose been consulted ; and that a Vote of Credit had been required to enable the Crown to hire Forces during the Interval of the Sessions, what would those by whom this Motion is supported have urged against it ? Would they not with great Appearance of Reason have alledged the Impropriety of such an Application to the thin Remains of a Parliament, from which almost all those had retired, whom their Employments did not retain in the Neighbourhood of the Court ? Would it not have been echoed from one Corner of these Kingdoms to another, that the Ministry had betray’d their Country, by a Contract which they durst not lay before a full Parliament, and of which they would trust the Examination only to those whom they had hired to approve it ? Would not this have been generally asserted and generally believed ? Would not those, who distinguish’d themselves as the Opponents of the Court, have urged, that the King ought to exert his Prerogative, and trust the Equity of the Parliament for the Approbation of his Measures, and the Payment of the Troops which he had retained for the Support of the Common Cause, the Cause for which so much Zeal had been expressed, and for which it could not with Justice be suspected, that any reasonable Demands would be denied ? Would not the Solicitation of a Grant of Power without Limits, to be exerted wholly at the Discretion of the Ministry, be censured as a Precedent of the utmost Danger, which it was the Business of every Man to oppose, who had not lost all Regard to the Constitution of his Country ?

These Insinuations, my Lords, were foreseen and allowed by the Ministry to be specious, and therefore they determined

mined to avoid them by pursuing their Schemes at their own Hazard, without any other Security than the Consciousness of the Rectitude of their own Designs ; and to trust to the Equity of the Parliament when they should be laid before them, at a Time when Part of their Effects might be discover'd, and when therefore no false Representations could be used to mislead their Judgment. They knew the Zeal of the Commons for the great Cause of universal Liberty ; they knew, that their Measures had no other Tendency than the Promotion of that Cause, and therefore they confidently formed those Expectations which have not deceived them, that the Pay of the Troops would be readily granted, and ordered them therefore to march ; though if the Commons had disapproved their Plan, they must have returned into their own Country, or have been supported at the Expence of the Electorate.

' The Objections raised against these Troops, have apparently had no Influence in the other House, because Supplies have been granted for their Pay ; and I believe they will upon Examination be found by your Lordships not to deserve much Regard.

' It is asserted, that they cannot act against an Emperor established and acknowledged by the Diet, without subjecting their Country to an Interdict ; and it was therefore suspected that they would in Reality be of no Use. This Suspicion, my Lords, I suppose, it is now not necessary to censure ; since you have heard from his Majesty that they are preparing to march, and as the Consequences of their Conduct can only affect the Electorate, its Propriety or Legality with regard to the Constitution of the Empire, falls not properly under our Consideration.

' How his Majesty's Measures may be defended, even in this View, I suppose I need not inform any of this Assembly. It is well known, that the Emperor was chosen not by the free Consent of the Diet, in which every Elector voted according to his own Sense ; but by a Diet in which one Vote of the Empire was suspended, without any Regard to Law or Justice, and in which the rest were extorted by a *French* Army, which threatened immediate Ruin to him who should refuse his Consent. The Emperor thus chosen was likewise afterwards recognized by the same Powers upon the same Motives, and the Aid was granted as the Votes were given by the Influence of the Armies of *France*.

' For this Reason, my Lords, the Queen of *Hungary* still refuses to give the Elector of *Bavaria* the Stile and Honours which belong to the Imperial Dignity ; she considers the Throne

An. 16. Geo. II. 1742. Throne as still vacant, and requires that it should be filled by an uninfluenced Election.

‘ It has been observed, my Lords, that his Majesty gave his Vote to the Elector of *Bavaria*, and it has been therefore represented as an Inconsistency in his Conduct that he should make War against him. But, my Lords, it will by no Means follow, that because he voted for him, he thinks him lawfully elected, nor that it is unjust to dispossess him; though it is to be observed, that we are not making War to dethrone the Emperor, however elected, but to support the Pragmatick Sanction.

‘ This Observation, though somewhat foreign from the present Debate, I have thought it not improper to lay before your Lordships, that no Scruples might remain in the most Delicate, and to shew that the Measures of his Majesty cannot be justly charg’d with Inconsistency.

‘ But this, my Lords, is not the only nor the greatest Benefit which the Queen of *Hungary* has received from these Troops; for it is highly probable, that the States will be induced to concur in the Common Cause, when they find, that they are not incited to a mock Confederacy, when they perceive that we really intend to act victoriously, that we decline neither Expence nor Danger; and that a Compliance with our Demands will not expose them to stand, alone and unassisted, against the Power of *France* elated by Success, and exasperated by Opposition.

‘ If this, my Lords, should be the Consequence of our Measures; and this Consequence is perhaps not far distant, it will no longer be, I hope, asserted, that these Mercenaries are an useless Burthen to the Nation, that they are of no Advantage to the Common Cause, or that the People have been betray’d by the Ministry into Expences, merely that *Hanover* might be enriched. When the grand Confederacy is once revived, and revived by an universal Conviction of the destructive Measures, the insatiable Ambition and the outrageous Cruelty of the *French*, what may not the Friends of Liberty presume to expect? May they not hope, my Lords, that those haughty Troops which have been so long employ’d in Conquests and Invasions, that have laid waste the neighbouring Countries with Slaughter and Devastations, will be soon compelled to retire to their own Frontiers, and be content to guard the Verge of their native Provinces? May we not hope that they will soon be driven from their Posts, that they will be forced to retreat to a more defensible Station, and admit the Armies of their Enemies into their Dominions, and that they will be pursued from Fortresses to Fortresses,

Fortress, and from one Intrenchment to another, till they shall be reduced to petition for Peace, and purchase it by the Alienation of Part of their Territories.

An. 16. Geo. II.

1742.

‘ I hope, my Lords, it may be yet safely asserted, that the *French*, however powerful, are not invincible ; that their Armies may be destroy’d, and their Treasures exhausted ; that they may therefore be reduc’d to narrow Limits, and disabled from being any longer the Disturbers of the Peace of the Universe.

‘ It is well known, my Lords, that their Wealth is not the Product of their own Country, that Gold is not dug out of their Mountains, nor rolled down their Rivers, but that it is gained by an extensive and successful Commerce, carried on in many Parts of the World, to the Diminution of our own. It is known likewise, that Trade cannot be continued in War, without the Protection of Naval Armaments, and that our Fleet is at present superior in Strength to those of the greatest Part of the Universe united. It is therefore reasonably to be hoped, that though by assisting the House of *Austria* we should provoke the *French* to declare War against us, their Hostilities would produce none of those Calamities which seem to be dreaded by Part of this House ; and that such a Confederacy might be formed as would be able to retort all the Machinations of *France* upon herself, tear her Provinces from her, and annex them to other Sovereignities.

‘ It has been urged, that no such Success can be expected from the Conduct which we have lately pursued ; that we, who are thus daring the Resentment of the most formidable Power in the Universe, have long suffer’d ourselves to be insulted by an Enemy of far inferior Force ; that we have been defeated in all our Enterprises, and have at present appeared to desist from any Design of Hostilities ; that the *Spaniards* scarcely perceive that they have an Enemy, or feel any of the Calamities or Inconveniences of War, and that they are every Day enriched with the Plunder of *Great Britain*, without Danger and without Labour.

‘ That the War against *Spain* has not hitherto been remarkably successful, must be confessed ; and though the *Spaniards* cannot boast of any other Advantages than the Defence of their own Dominions, yet they may perhaps be somewhat elated, as they have been able to hold out against an Enemy superior to themselves. But, my Lords, I am far from believing, that they consider the War against us as an Advantage, or that they do not lament it as one of the heaviest Calamities that could fall upon them. If it be asked,

in

An. 16. Geo. II. in what Parts of their Dominions they feel any Effects of our  
 1742. Hostility? I shall answer with great Confidence, that they  
 feel them in every Part which is expos'd to the Evils of a  
 naval War, that they are in Pain wherever they are sensible,  
 that they are wounded wherever they are not shelter'd from  
 our Blows by the Interposition of the Nations of the Con-  
 tinent.

' If we examine, my Lords, the Influence of our *European* Armaments, we shall find, that their Ships of War are shut up in the Harbours of *France*, and that the Fleets of both Nations are happily block'd up together; so that they can neither extricate each other by concerted Motions, in which our Attention might be distracted and our Forces divided, nor, by their united Force, break through the Bars by which they are shut up from the Use of the Ocean.

' But this, my Lords, however important with respect to us, is perhaps the smallest Inconvenience which the *Spaniards* feel from our naval Superiority. They have an Army, my Lords, in *Italy*, expos'd to all the Miseries of Famine, while our Fleet prohibits the Transportation of those Provisions which have been stored in Vessels for their Supply, and which must be probably soon made defenceless by the Want of Ammunition, and fall into the Hands of their Enemies without the Honour of a Battle.

' But, what to the Pride of a *Spaniard* must be yet a more severe Affliction, they have on the same Continent a natural Confederate, who is yet so intimidated by the *British* Fleets, that he dares neither afford them Refuge in his Dominions, nor send his Troops to their Assistance. The Queen, amidst all the Schemes which her unbounded Ambition forms for the Exaltation of her Family, finds her own Son, after having receiv'd a Kingdom from her Kindness, restrain'd from supporting her, and reduc'd to preserve those Territories which she has bestow'd upon him, by abandoning her from whom he receiv'd them.

' These, my Lords, are the Inconveniencies which the *Spaniards* feel from our Fleets in the *Mediterranean*; and even these, however embarrassing, however depressing, are lighter than those which our *West India* Navy produces. It is apparent, that Money is equivalent to Strength, a Proposition, of which, if it could be doubted, the *Spanish* Monarchy would afford sufficient Proof, as it has been for a long Time supported only by the Power of Riches. It is therefore impossible to weaken *Spain* more speedily or more certainly, than by intercepting or obstructing the annual Supplies of Gold and Silver which she receives from her *West Indian*

*Indian* Provinces, by which she was once enabled to threaten Slavery to all the neighbouring Nations, and incited to begin, with the Subjection of this Island, her mighty Scheme of universal Monarchy, and by which she has still continued to exalt herself to an Equality with the most powerful Nations, to erect new Kingdoms, and set at Defiance the *Austrian* Power.

An. 16. Geo. II.

1742.

‘ These Supplies, my Lords, are now, if not wholly yet in a great Measure, withheld, and by all the Efforts which the *Spaniards* now make, they are exhauſting their Vitals, and waſting the natural Strength of their native Country. While they made War with adventitious Treasures, and only squandered one Year what another would repay them, it was not easy to foresee how long their Pride would incline them to hold out against superior Strength. While they were only engaged in a naval War, they might have persisted for a long Time in a Kind of passive Obstinacy, and while they were engaged in no foreign Enterprises, might have supported that Trade with each other which is necessary for the Support of Life, upon the Credit of those Treasures which are annually heaped up in their Store-houses, though they are not received, and by which, upon the Determination of the War, all the Debts might at once be paid, and all their Funds be re-established.

‘ But at present, my Lords, their Condition is far different; they have been tempted by the Prospect of enlarging their Dominions to raise Armies for distant Expeditions, which must be supported in a foreign Country, and can be supported only by regular Remittances of Treasure, and have formed these Projects at a Time, when the Means of pursuing them are cut off. They have by one War increased their Expences, when their Receipts are obstructed by another.

‘ In this State, my Lords, I am certain the *Spaniards* are very far from thinking the Hostility of *Great Britain* merely nominal, and from enquiring in what Part of the World their Enemies are to be found. The Troops in *Italy* see them failing in Triumph over the *Mediterranean*, intercepting their Provisions, and prohibiting those Succours which they expected from their Confederate of *Sicily*. In *Spain* their Taxes and their Poverty, Poverty which every Day increases, inform them, that the Seas of the *West Indies* are possessed by the Fleets of *Great Britain*, by whom their Mines are made useless, and their wealthy Dominions reduced to an empty Sound.

‘ They may, indeed, comfort themselves in their Distresses

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ses with the Advantages which their Troops have gained over the King of *Sardinia*, and with the Entrance which they have forced into his Dominions ; but this can afford them no long Satisfaction, since they will probably never be able to break through the Passes at which they have arrived, or to force their Way into *Italy*, and must perish at the Feet of inaccessible Rocks, where they are now supported at such an Expence, that they are more burtheniome to their own Master than to the King of *Sardinia*.

‘ Of this Prince I know not, why it has been asserted, that he will probably violate his Engagements to *Great Britain* and *Austria*, that he will purchase Peace by Perfidy, and grant a Passage to the Army of *Spain*. His Conduct has certainly given hitherto no Reason for such an Imputation ; he has opposed them with Fortitude and Vigour, and Address ; nor has he failed in any of the Duties required of a General or an Ally ; he has exposed his Person to the most urgent Dangers, and his Dominions to the Ravages of War ; he has rejected all the Solicitations of *France*, and set her Menaces at Defiance ; and surely, my Lords, if no private Man ought to be censured without just Reason, even in familiar Discourse, we ought still to be more cautious of injuring the Reputation of Princes, by public Reproaches in the solemn Debates of national Assemblies.

‘ The same Licentiousness of Speech has not, indeed, been extended to all the Princes mentioned in this Debate. The Emperor has been treated with remarkable Decency as the lawful Sovereign of *Germany*, as one who cannot be opposed without Rebellion, and against whom we therefore cannot expect that the Troops of *Hanover* should presume to act, since they must expose their Country to the Severities of the Imperial Interdict.

‘ The Noble Lords who have thus ardently asserted the Rights of the Emperor, who have represented in such strong Language the Crime of violating the *German* Constitutions, and have commended the Neutrality of the King of *Prussia* as proper to be imitated by all the rest of the Princes of the Empire, have forgotten or hoped, that others would forget the Injustice and Violence by which he exalted himself to that Throne, from which they appear to think it a sacrilegious Attempt to endeavour to thrust him down. They forget, that one of the Votes was illegally suspended, and that the rest were extorted by the Terror of an Army. They forget, that he invited the *French* into the Empire, and that he is guilty of the Ravages which have been committed, and all the Blood that has been shed, since the  
Death

Death of the Emperor, in the Defence of the Pragmatick Sanction which we invaded, though ratified by the solemn Consent of the Imperial Diet.

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‘ In Defence of the Pragmatick Sanction, my Lords, which all the Princes of the Empire, except his Majesty, saw violated without Concern, are we now required to exert our Force ; we are required only to perform what we promised by the most solemn Treaties, which, though they have been broken by the Cowardice or Ambition of other Powers, it will be our greatest Honour to observe with exemplary Fidelity.

‘ With this View, as your Lordships have already been informed, the *Hanoverian* Troops will march into the Empire ; nor has their March been hitherto delayed, either because there was yet no regular Scheme projected, or because they were obliged to wait for the Permission of the King of *Prussia*, or because they intended only to amuse *Europe* with an empty Show ; they were detained, my Lords, in *Flanders*, because it was believed, that they were more useful there than they would be in any other Place, because they at once encouraged the States, alarmed the *French*, defended the Low Countries, and kept the Communication open between the Queen’s Dominions and those of her Allies. Nor were these Advantages, my Lords, chimerical, and such as are only suggested by a warm Imagination ; for it is evident that by keeping their Station in those Countries, they have changed the State of the War, that they have protected the Queen of *Hungary* from being oppressed by a new Army of *French*, and given her an Opportunity of establishing herself in the Possession of *Bavaria* ; that the *French* Forces, instead of being sent either to the Assistance of the King of *Spain* against the King of *Sardinia*, or of the Emperor, for the Recovery of those Dominions which he has lost by an implicit Confidence in their Alliance, have been necessarily drawn down to the opposite Extremity of their Dominions, where they are of no Use either to their own Country, or to their Confederates. The united Troops of *Great Britain* and *Hanover*, therefore, carried on the War by living at Ease in their Quarters in *Flanders*, more efficaciously than if they had marched immediately into *Bavaria* or *Bohemia*.

‘ Thus, my Lords, I have endeavoured to shew the Justice of our Designs and the Usefulness of the Measures by which we have endeavoured to execute them ; and doubt not, but your Lordships will, upon considering the Arguments which have been urged on either Side, and these which your own Reflections will suggest, allow that it was

not



An. 16. Geo. II. 1742. not only just but necessary, to take into our Pay the Troops of *Hanover*, for the Support of the Pragmatick Sanction, and the Preservation of the House of *Austria*; and that since the same Reasons which induced the Government to hire them, still make it necessary to retain them, you will prefer the general Happiness of *Europe*, the Observation of publick Faith, and the Security of our own Liberties and those of our Posterity, to a small Alleviation of our present Expences; and unanimously reject a Motion, which has no other Tendency than to resign the World into the Hands of *France*, and purchase a short and dependent Tranquility by the Loss of all those Blessings which make Life desirable.

The Lord Viscount *Lonsdale* answer'd to the following Effect :

*My Lords,*

Lord *Lonsdale*. ' Notwithstanding the Confidence with which the late Measures of the Government have been defended by their Authors, I am not yet set free from the Scruples which my own Observations had raised, and which have been strengthened by the Assertions of those noble Lords, who have spoken in Vindication of the Motion.

' Many of the Objections which have been raised and enforced with all the Power of Argument, have yet remained unanswered, or those Answers which have been offered are such as leave the Argument in its full Strength. Many of the Assertions which have been produced are the Effects of Hope rather than Conviction, and we are rather told what we are to hope from future Measures, than what Advantages we have received from the past.

' I am, indeed, one of those whom it will be difficult to convince of the Propriety of engaging in a new War, when we are unsuccessful in that which we have already undertaken, and of provoking a more powerful Enemy, when all our Attempts are baffled by a weaker; and cannot yet set myself free from the Apprehension of new Defeats and new Disgraces from the Arms of *France*, after having long seen how little we are able to punish the Insolence of *Spain*. I cannot but fear, that by an ill-tim'd and useless Opposition to Schemes which, however destructive or unjust, we cannot obviate, we shall subject ourselves to numberless Calamities; that the Ocean will be cover'd with new Fleets of Privateers, that our Commerce will be interrupted in every Part of the World, and that we shall only provoke *France* to seize what she would at least have spared some Time longer.

' But,

‘ But, my Lords, if it be granted, that the Pragmatick Sanction is obligatory to us, though it is violated by every other Power; that we should labour to reduce the Powers of *Europe* to an Equipoise, whenever Accident or Folly produces any Alteration of the Balance; and that we are now not to preserve the House of *Austria* from falling, but raise it from the Dust, and restore it to its antient Splendor, even at the Hazard of a War with that Power which now gives Laws to all the Western Nations; yet it will not surely be asserted, that we ought to be without Limits, that we ought to preserve the House of *Austria* not only by the Danger of our own Country but by its certain Ruin; and endeavour to avert the Possibility of Slavery, by subjecting ourselves to Miseries more severe than the utmost Arrogance of Conquest, or the most cruel Wantonness of Tyranny would inflict upon us.

‘ I have observed, that many Lords have expressed in this Debate an uncommon Ardor for the Support of the Queen of *Hungary*; nor is it without Pleasure, that I see the most laudable of all Motives, Justice and Compassion, operate in this great Assembly with so much Force. May your Lordships always continue to stand the great Advocates for publick Faith, and the Patrons of true Greatness in Distress; may Magnanimity always gain your Regard, and Calamity find Shelter under your Protection.

‘ I likewise, my Lords, desire to be remembered among those who reverence the Virtues and pity the Miseries of this illustrious Princess, who look with Detestation on those who have invaded the Dominions which they had obliged themselves by solemn Treaties to defend, and who have taken Advantage of the general Confederacy against her, to enrich themselves with her Spoils, who have insulted her Distress and aggravated her Misfortunes.

‘ But, my Lords, while I feel all these Sentiments of Compassion for the Queen of *Hungary*, I have not yet been able to forget, that my own Country claims a nearer Regard; that I am obliged both by Interest and Duty to preserve myself and my Posterity and my Fellow-Subjects from those Miseries which I lament; when they happen to others, however distant, I cannot but remember, that I am not to save another from Destruction by destroying myself, nor to rescue *Austria* by the Ruin of *Great Britain*.

‘ Tho’ I am therefore, my Lords, not unwilling to assist the Queen of *Hungary*, I think it necessary to fix the Limits of our Regard; to inquire how far we may proceed with Safety, and what Expences the Nation can bear, and how those

An. 16. Geo. II. those Expences may be best employed. The Danger of the Queen of *Hungary* ought not to have an Effect which would be reproachful, even if the Danger was our own. It ought not so far to engross our Faculties as to hinder us from attending to every other Object. The Man, who runs into a greater Evil to avoid a less, evidently shews, that he is defective either in Prudence or in Courage, that either he wants the natural Power of distinguishing, or that his Dread of an approaching, or his Impatience of a present Evil, has taken it away.

1742.

‘ Let us therefore examine, my Lords, the Measures with which those, who are intrusted with the Administration of publick Affairs, would persuade us to concur, and enquire whether they are such as can be approved by us without Danger to our Country. Let us consider, my Lords, yet more nearly, whether they are not such as we ourselves could not be prevailed upon even to regard as the Object of Deliberation, were we not dazzled on one Part by glaring Prospects of Triumphs and Honours, of the Reduction of *France*, and the Rescue of the World, of the Propagation of Liberty, and the Defence of Religion; and intimidated on the other by the View of approaching Calamities, the Cruelties of Persecution, and the Hardships of Slavery.

‘ All the Arts of Exaggeration, my Lords, have been practised to reconcile us to the Measures which are now proposed, and indeed all are necessary: For the Expences to which we are about to condemn this Nation are such as it is not able to bear, and to which no Lord in this House would consent were he calm enough to number the Sums.

‘ To prove the Truth of this Assertion, one Question is necessary. Is any Lord in this House willing to assist the Queen of *Hungary* at the Expence of sixteen hundred thousand a-Year? I think the universal Silence of this Assembly is a sufficient Proof, that no one is willing: I will however repeat my Question. — Is any Lord in this House willing that this Nation should assist the Queen of *Hungary* at the annual Expence of sixteen hundred thousand Pounds? — The House is, as I expected, still silent, and therefore I may now safely proceed upon the Supposition of an unanimous Negative. Nor does any thing remain in order to evince the Impropriety of the Measures which we are about to pursue, but that every Lord may reckon up the Sum required for the Support of those Troops. Let him take a View of our Military Estimates, and he will quickly be convinced, how much we are condemned to suffer in this Cause. He will find, that we are about not only to remit yearly  
into

into a foreign Country more than a Million and a half of An. 16. Geo. II; Money, but to hazard the Lives of Multitudes of our Fellow-Subjects, in a Quarrel which at most affects us but remotely ; that we are about to incur as Auxiliaries an Expence greater than that which the Principals sustain.

1742.

‘ The Sum which I have mentioned, my Lords, enormous as it may appear, is by no Means exaggerated beyond the Truth. Whoever will examine the common Military Estimates, will easily be convinced, that the Forces which we now maintain upon the Continent cannot be supported at less Expence ; and that we are therefore about to exhaust our-Country in a distant Quarrel, and to lavish our Blood and Treasure with useless Profusion.

‘ This Profusion, my Lords, is useless, at least useless to any other End, than an ostentatious Display of our Forces and our Riches ; not because the Balance of Power is irrecoverably destroyed, not because it is contrary to the natural Interest of an Island to engage in Wars on the Continent, nor because we shall lose more by the Diminution of our Commerce, than we shall gain by an annual Victory : It is useless, not because the Power of *France* has by long Negligence been suffered to swell beyond all Opposition, nor because the Queen of *Hungary* ought not to be assisted at the Hazard of this Kingdom, though all these Reasons are of Importance enough to claim our Consideration : It is useless, my Lords, because the Queen of *Hungary* may be assisted more powerfully, at less Charge ; because, a third Part of this Sum will enable her to raise, and to maintain, a greater Body of Men than have now been sent her.

‘ Nor will the Troops which she may thus be enabled to raise, my Lords, be only more numerous, but more likely to prosecute the War with Ardour ; and to conclude it therefore with Success. They will fight for the Preservation of their own Country, they will draw their Swords to defend their Houses and their Estates, their Wives and their Children, from the Rage of Tyrants and Invaders ; they will enter the Field as Men who cannot leave it to their Enemies without resigning all that makes Life valuable ; and who will therefore more willingly die than turn their Backs.

‘ It may reasonably be imagined, my Lords, that the Queen will place more Confidence in such Forces, than in Troops which are to fight only for Honour or for Pay ; and that she will expect from the Affection of her own Subjects a Degree of Zeal and Constancy which she cannot hope to excite in Foreigners ; that she will think herself more secure in the Protection of those whose Fidelity she may

An. 16: Geo. II.  
1742.

secure by the Solemnity of an Oath, than those who have no particular Regard for her Person, nor any Obligation to support her Government.

‘ It is no inconsiderable Motive to this Method of assisting our Ally, that we shall entirely take away from *France* all Pretences of Hostilities or Resentment, since we shall not attack her Troops or invade her Frontiers, but only furnish the Queen of *Hungary* with Money, without directing her how to apply it. I am far, my Lords, from being so much intimidated by the late Increase of the *French* Greatness, as to imagine, that no Limits can be set to their Ambition. I am far from despairing, that the Queen of *Hungary* alone, supported by us with pecuniary Assistance, may be able to reduce them to Solicitations for Peace, by driving them out of her Dominions, and pursuing them into their own. But as the Chance of War is always uncertain, it is surely most prudent to chuse such a Conduct as may exempt us from Danger in all Events; and since we are not certain of conquering the *French*, it is in my Opinion, most eligible not to provoke them, because we cannot be conquered without Ruin.

‘ This Method is yet eligible on another Account; by proceeding with Frugality, we shall gain Time to observe the Progress of the War, and watch the Appearance of any favourable Opportunity without exhausting ourselves so far as to be made unable to improve them.

‘ The Time, my Lords, at which we shall be thus exhausted, at which we shall be reduced to an absolute Inability to raise an Army or equip a Fleet, is not at a great Distance. If our late Profusion be for a short Time continued, we shall quickly have drained the last Remains of the Wealth of our Country. We have long gone on from Year to Year, raising Taxes and contracting Debts, and unless the Riches of *Great Britain* are absolutely unlimited, must in a short Time reduce them to nothing. Our Expences are not all, indeed, equally destructive; some, tho’ the Method of raising them be vexatious and oppressive, do not much impoverish the Nation, because they are refunded by the Extravagance and Luxury of those who are retained in the Pay of the Court; but foreign Wars threaten immediate Destruction, since the Money that is spent in distant Countries can never fall back into its former Channels, but is dissipated on the Continent and irrecoverably lost.

‘ When this Consideration is present to my Mind, and on this Occasion no Man who has any Regard for himself or his Posterity can omit it, I cannot but think with Horror on a  
Vote

Vote by which such prodigious Sums are waſted into another Region : I cannot but tremble at the Sound of a Tax for the Support of a foreign War, and think a *French Army* landed on our Coaſts not much more to be dreaded than the annual Payment to which we appear now to be condemned, and from which nothing can preſerve us but the Addreſs which is now propoſed.

An. 16. Geo. II.

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‘ By what Arguments the Commons are perſuaded, or by what Motives incited, to vote a Supply for the Support of this mercenary Force, I have not yet heard ; nor as a Member of this Houſe, my Lords, was it neceſſary for me to enquire. Their Authority, though mentioned with ſo much Solemnity on this Occaſion, is to have no Influence on our Determinations. If they are miſtaken, it is more neceſſary for us to enquire with uncommon Caution : If they are corrupt, it is more neceſſary for us to preſerve our Integrity. If we are to comply blindly with their Decisions, our Knowledge or Experience are of no Benefit to our Country, we only waſte Time in needleſs Solemnities, and may be once more declared uſeleſs to the Publick.

‘ The Commons, my Lords, do not imagine themſelves, nor are imagined by the Nation, to conſtitute the Legiſlature : The People, when any uncommon Heat prevails in the other Houſe, diſturb their Debates, and over-rules their Determinations, have been long accuſtomed to expect Redreſs and Security from our calmer Counſels, and have conſidered this Houſe as the Place where Reaſon and Juſtice may be heard, when by Clamour and Uproar they are driven from the other. On this Occaſion, my Lords, every *Briton* fixes his Eyes upon us, and every Man who has Sagacity enough to diſcover the diſmal approach of publick Poverty, now ſupplicates your Lordſhips, by agreeing to this Addreſs, to preſerve him from it.’

Then the Lord Chancellor ſpoke to the following Purport.

*My Lords,*

‘ Having very attentively obſerved the whole Progreſs of Lord Hardwicke’s this important Debate, and conſidered with the utmoſt Impartiality the Arguments which have been made uſe of on each Side, I cannot think the Queſtion before us doubtful or difficult ; and I hope that I may promote a ſpeedy Decision of it by re-capitulating what has been already urged, that the Debate may be conſider’d at one View, and by adding ſome Obſervations which have ariſen to my own Thoughts on this Occaſion.

‘ At the firſt View of the Queſtion before us in its preſent

An. 16. Geo. II.

1743.



State, no Man can find any Reasons for Prejudice in Favour of the Address proposed. This House is, indeed, yet divided, and many Lords have spoken on each Side with great Force and with great Address; but the Authority of the other House, added to the Numbers which have already declared in this for the Support of the foreign Troops, is sufficient to turn the Balance, in the Opinion of any Man who contents himself to judge by the first Appearance of Things, and must incline him to imagine that Position at least more probable, which is ratified by the Determination of one House and yet undecided by the other.

‘ I know, my Lords, what may be objected to these Observations on the other House; and readily agree with the noble Lord, that our Determinations ought not to be influenced by theirs. But on this Occasion, I introduce their Decision not as the Decrees of Legislators, but as the Result of the Consideration of wise Men; and in this Sense it may be no less reasonable to quote the Determinations of the Commons, than to introduce the Opinion of any private Man whose Knowledge or Experience gives his Opinion a Claim to our Regard.

‘ Nor do I mention the Weight of Authority on one Side as sufficient to influence the private Determination of any in this great Assembly. It is the Privilege and the Duty of every Man, who possesses a Seat in the highest Council of his Country, to make Use of his own Eyes and his own Understanding; to reject the Arguments of which he cannot find the Force, whatever Effect they may have upon others; and to discharge the great Trust conferred upon him by consulting no Conscience but his own.

‘ Yet though we are by no Means to suffer the Determinations of other Men to repress our Inquiries, we may certainly make use of them to assist us; we may very properly therefore enquire the Reasons that induced the other House to approve those Bills which are brought before them, since it is not likely that their Consent was obtained without Arguments, at least probable, though they are not to be by us considered as conclusive upon their Authority. The chief Advantage which the Publick receives from a Legislature formed of several distinct Powers, is, that all Laws must pass through many Deliberations of Assemblies independent on each other, of which, if the one be agitated by Faction or distracted by Divisions, it may be hoped that the other will be calm and united, and of which it can hardly be feared, that they can at any Time concur in Measures apparently destructive to the Commonwealth.

‘ But these Inquiries, my Lords, however proper or necessary, are to be made by us not in solemn Assemblies, but in our own private Characters; and therefore I shall not now lay before your Lordships what I have heard from those whom I have consulted for the Sake of obtaining Information on this important Question, or shall at least not offer it as the Opinion of the Commons, or pretend to add to it any Influence different from that of Reason and Truth.

An. 16. Geo. II.  
1742

‘ The Arguments which have been offered in this Debate for the Motion, are indeed such as do not make any uncommon Expedients necessary; they will not drive the Advocates for the late Measures to seek a Refuge in Authority instead of Reason; they require, in my Opinion, only to be considered with a calm Attention, and their Force will immediately be at an End.

‘ The most plausible Objection, my Lords, is, that the Measures to which your Approbation is now desired, were concerted and executed without the Concurrence of the Parliament; and it is therefore urged, that they cannot now deserve our Approbation, because it was not asked at the proper Time.

‘ In order to answer this Objection, my Lords, it is necessary to consider it more distinctly than those who made it appear to have done; that we may not suffer ourselves to confound Questions real and personal, to mistake one Object for another, or to be confounded by different Views.

‘ That the Consent of the Parliament was not asked, my Lords, supposing it a Neglect, and a Neglect of a criminal Kind, of a Tendency to weaken our Authority and shake the Foundation of our Constitution, which is the utmost that the most ardent Imagination, or the most hyperbolical Rhetoric can utter or suggest, may be indeed a just Reason for Invektive against the Ministers, but is of no Force if urged against the Measures. To take Auxiliaries in our Pay may be right, tho’ it might be wrong to hire them without applying to the Parliament, as it is proper to throw Water upon a Fire, though it was convey’d to the Place, without the Leave of those from whose Well it was drawn, or over whose Ground it was carried.

‘ If the Liberties of *Europe* be really in Danger, if our Treaties oblige us to assist the Queen of *Hungary* against the Invaders of her Dominions, if the Ambition of *France* requires to be repressed, and the Powers of *Germany* to be animated against her by the certain Prospect of a vigorous Support, I cannot discover the Propriety of this Motion, even supposing, that we have not found from the Ministers all the

Respect.



An. 16. Geo. II. Respect that we have a Right to demand. As a lawful Authority may do wrong, so Right may be sometimes done by an unlawful Power ; and surely, though Usurpation ought to be punished, the Benefits which have been procured by it, are not to be thrown away. We may retain the Troops that have been hired, if they are useful, though we should censure the Ministry for taking them into Pay.

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‘ But the Method to which our Concurrence is now required, is a Motion by which we are to punish ourselves for the Crime of the Ministers ; by which we are about to leave ourselves defenceless, because we have been armed without our Consent, and to resign up all our Rights and Privileges to *France*, because we suspect, that they have not been sufficiently regarded on this Occasion by our Ministers.

‘ Those noble Lords, who have dwelt with the greatest Ardour on this Omission, have made no Proposition for censuring those whom they condemn as the Authors of it, though this Objection must terminate in an Inquiry into their Conduct, and has no real Relation to the true Question now before us ; which is, Whether the Auxiliaries be of any Use ? If they are useless, they ought to be discharged without any other Reason ; if they are necessary, they ought to be retained, whatever Censure may fall upon the Ministry.

‘ I am, indeed, far from thinking, that when your Lordships have sufficiently examined the Affair, you will think your Privileges invaded, or the Publick trepanned by Artifice into expensive Measures ; since it will appear that the Ministry in reality preferred the most honest to the safest Methods of proceeding, and chose rather to hazard themselves than to practice, or appear to practice, any Fraud upon their Country.

‘ When it was resolved in Council to take the Troops of *Hanover* into the Pay of *Great Britain*, a Resolution which, as your Lordships have already been informed, was made only a few Days before the Parliament rose, it was natural to consider whether the Consent of the Parliament should not be demanded. But when it appeared upon Reflection, that to bring an Affair of so great Importance before the last Remnant of a House of Commons, after far the greater Part had retired to the Care of their own Affairs, would be suspected as fraudulent ; and might give the Nation Reason to fear, that such Measures were intended as the Ministers were afraid of laying before a full Parliament ; it was thought more proper to defer the Application to the next Session, and to venture upon the Measures that were formed, upon a full Conviction of their Necessity.

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‘ This Conduct, my Lords, was exactly conformable to the Demands of those, by whom the Court has hitherto been opposed, and who have signalized themselves as the most watchful Guardians of Liberty. Among these Men, Votes of Credit have never been mentioned but with Detestation, as Acts of implicate Confidence, by which the Riches of the Nation are thrown down at the Feet of the Ministry to be squander’d at Pleasure. When it has been urged, that Emergencies may arise, during the Recess of the Parliament, which may produce a Necessity of Expences; and that therefore some Credit ought to be given which may enable the Crown to provide against Accidents, it has been answered, that the Expences which are incurr’d during the Recess of the Parliament will be either necessary or not; that if they are necessary, the Ministry have no Reason to distrust the Approbation of the Parliament, but if they are useles, they ought not to expect it. And that, instead of desiring to be exempted from any subsequent Censures, and to be secured in Exactions or Prodigality by a previous Vote, they ought willingly to administer the publick Affairs at their own Hazard, and await the Judgment of the Parliament, when the Time shall come, in which their Proceedings are laid before it.

‘ Such have hitherto been the Sentiments of the most zealous Advocates for the Rights of the People; nor did I expect from any Man who desired to appear under that Character, that he would censure the Ministry for having thrown themselves upon the Judgment of the Parliament, and neglected to secure themselves by any previous Applications; for having trusted in their own Integrity, and exposed their Conduct to an open Examination without Subterfuges and without Precautions. I did not imagine, my Lords, that a Parliament, upon whose Decision all the Measures which have been taken, so apparently depend, would have been slied a Parliament convened only to register the Determinations of the Ministry; or that any of your Lordships would think his Privileges diminished, because Money was not demanded before the Use of it was fully known.

‘ If we lay aside, my Lords, all Inquiries into Precedents, and, without Regard to any political Considerations, examine this Affair only by the Light of Reason, it will surely appear, that the Ministry could not, by any other Method of Proceeding, have shewn equal Regard to the Parliament, or equal Confidence in their Justice and their Wisdom. Had they desired a Vote of Credit, it might have been justly objected, that they required to be trusted with the publick

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An. 16. Geo. II. Money, without declaring or being able to declare, how it was to be employed ; that either they questioned the Wisdom or Honesty of the Parliament ; and therefore durst undertake nothing till they were secure of the Supplies necessary for the Execution of it. Had they informed both Houses of their whole Scheme, they might have been still charged, and charged with great Appearance of Justice, with having preferred their own Safety to that of the Publick, and having rather discover'd their Designs to the Enemy than trusted to the Judgment of the Parliament ; nor could any Excuse have been made for a Conduct so contrary to all the Rules of War, but such as must have dishonoured either the Ministers or the Parliament ; such as must have imply'd, either that the Measures intended were unworthy of Approbation, or that they were by no Means certain that even the best Conduct would not be censured.

These Objections they foresaw and allowed to be valid ; and therefore generously determined to pursue the End which every Man was supposed to approve, by the best Means which they could discover, and to refer the Conduct to a full Parliament, in which they did not doubt, but their Integrity, and perhaps their Success, would find them Vindicators. Instead of applying therefore to the Remains of the Commons, a few Days before the general Recess, instead of assembling their Friends by private Intimations, at a Time when most of those, from whom they might have dreaded Opposition, had retired, they determined to attempt at their own Hazard whatever they judged necessary for the Promotion of the common Cause, and to refer their Measures to the Parliament, when it should be again assembled.

The Manner in which one of the noble Lords, who have spoken in Support of the Address, has thought it necessary that they should have applied to us, is indeed somewhat extraordinary ; such as is certainly without Precedent, and such as is not very consistent with the constituent Rights of the different Powers of the Legislature. His Lordship has been pleased to remark that the Crown has entered into a Treaty, and to ask why that Treaty was not previously laid before the Parliament for its Approbation ?

I know not, my Lords, with what Propriety this Contract for the Troops of *Hanover* can be termed a Treaty. It is well known, that no Power in this Kingdom can enter into a Treaty with a foreign State except the King ; and it is equally certain, that with Regard to *Hanover*, the same Right is limited to the Elector. This Treaty therefore, my Lords, is a Treaty of the same Person with himself,

self, a Treaty of which the two Counterparts are to receive their Ratification from being sign'd with the same Hand. This surely is a Treaty of a new Kind, such as no national Assembly has yet consider'd. Had any other Power of *Great Britain* than its King, or in *Hanover* any other than the Elector, the Right of entering into publick Engagements, a Treaty might have been made, but as the Constitution of both Nations is formed, the Treaty is merely chimerical and absolutely impossible.

An. 26. Geo. II.

1742.

' Had such a Treaty, as is thus vainly imagined, been really made, it would yet be as inconsistent with the fundamental Establishment of the Kingdom, to require that before it was ratified, it should have been laid before the Parliament. To make Treaties, as to make War, is the acknowledged and established Prerogative of the Crown. When War is declared, the Parliament is indeed to consider whether it ought to be carry'd on at the Expence of the Nation; and if Treaties require any Supplies to put them in Execution, they likewise fall properly at that Time under Parliamentary Cognizance: But to require that Treaties shall not be transacted without our previous Concurrence, is almost to annihilate the Power of the Crown, and to expose all our Designs to the Opposition of our Enemies, before they can be completed.

' If therefore the Troops of *Hanover* can be of use for the Performance of our Stipulations, if they can contribute to the Support of the House of *Austria*, the Ministry cannot, in my Opinion, be censured for having taken them into *British* Pay; nor can we refuse our Concurrence with the Commons in providing for their Support, unless it shall appear, that the Design for which all our Preparations have been made, is such as cannot be executed, or such as ought not to be pursued.

' Several Arguments have been offer'd to prove both these Positions; one noble Lord has asserted, that it is by no Means for the Advantage, either of ourselves or any other Nation, to restore the House of *Austria* to its ancient Elevation; another, that it is by the Imperial Constitutions unlawful for any of the Princes of *Germany* to make War upon the Emperor solemnly acknowledged by the Diet. They have endeavoured to intimidate us by turning our View to the Difficulties by which our Attempts are obstructed, Difficulties which they affect to represent as insuperable, at least to this Nation in its present State. With this Design, my Lords, has the Greatness of the *French* Power been exaggerated, the Faith of the King of *Sardinia* questioned,

An. 16. Geo. II.  
1742.

oned, and the King of *Prussia* represented as determined to support the Pretensions of the Emperor ; with this View has our natural Strength been depreciated, and all our Measures and Hopes have been ridiculed, with a Wantonness not very consistent with the Character of a *British* Patriot.

Most of these Arguments, my Lords, have been already answered, and answered in such a Manner as has, I believe, not failed of convincing every Lord of their Insufficiency, unless perhaps those are to be excepted by whom they were offered. It has with great Propriety been observ'd, that the Inconsistency imputed to his Majesty in opposing the Emperor for whom he voted, is merely imaginary ; since it is not a necessary Consequence, that he for whom he voted is therefore lawfully elected ; and because his Majesty does not engage in this War for the Sake of dethroning the Emperor, but of supporting the Pragmatick Sanction ; nor does he oppose him as the Head of the *German* Body, but as the Invader of the Dominions of the House of *Austria*.

With regard to the Propriety of maintaining the *Austrian* Family in its present Possessions, and of raising it, if our Arms should be prosperous, to its ancient Greatness, it has been shewn, that no other Power is able to defend *Europe* either against the *Turks* on one Part, or the *French* on the other ; two Powers equally professing the destructive Intention of extending their Dominions without Limits, and of trampling upon the Privileges and Liberties of all the rest of Mankind.

It has been shewn, that the general Scheme of Policy uniformly pursued by our Ancestors in every Period of Time, since the Increase of the *French* Greatness, has been to preserve an Equipoise of Power, by which all the smaller States are preserved in Security. It is apparent that by this Scheme alone can the Happiness of Mankind be preserved, and that no other Family but that of *Austria* is able to balance the House of *Bourbon*.

The Equipoise of Power has by some Lords been imagined an airy Scheme, a pleasing Speculation which, however it may amuse the Imagination, can never be reduced to Practice. It has been asserted, that the State of Nations is always variable, that Dominion is every Day transferred by Ambition or by Casualties, that Inheritances fall by Want of Heirs into other Hands, and that Kingdoms are by one Accident divided at one Time, and at other Times consolidated by a different Event ; that to be the Guardians of all those, whose Credulity or Folly may betray them to concur with the Ambition of an artful Neighbour, and to promote

promote the Oppression of themselves, is an endless Task ; An. 16. Geo. II.  
 and that to obviate all the Accidents by which Provinces may 1742.  
 change their Masters, is an Undertaking to which no human  
 Foresight is equal ; that we have not a Right to hinder the  
 Course of Succession for our own Interest, nor to obstruct  
 those Contracts which independent Princes are persuaded to  
 make, however contrary to their own Interest, or to the general  
 Advantage of Mankind. And it has been concluded by  
 those Reasoners, that we should shew the highest Degree of  
 Wisdom, and the truest, though not the most refined Policy,  
 by attending steadily to our own Interest, by improving the  
 Diffentions of our Neighbours to our own Advantage, by  
 extending our Commerce and encreasing our Riches, without  
 any Regard to the Happiness or Misery, Freedom or Slavery,  
 of the rest of Mankind.

‘ I believe, I need not very laboriously collect Arguments  
 to prove to your Lordships, that this Scheme of selfish Neg-  
 ligence, of supine Tranquility, is equally imprudent and  
 ungenerous ; since if we examine the History of the last Cen-  
 tury, we shall easily discover, that if this Nation had not  
 interposed, the *French* had now been Masters of more than  
 half of *Europe* ; and it cannot be imagined, that they would  
 have suffer’d us to set them at Defiance in the midst of their  
 Greatness, that they would have spared us out of Tender-  
 ness, or forbore to attack us out of Fear. What the *Spaniards*  
 attempted, tho’ unsuccessfully, from a more distant  
 Part of the World, in the Pride of their *West Indian* Afflu-  
 ence, would certainly have been once more endeavoured by  
*France*, with far greater Advantages, and as it may be ima-  
 gined, with a different Event.

‘ That it would have been endeavoured, cannot be doubt-  
 ed, because the Endeavour would not have been hazardous ;  
 by once defeating our Fleet, they might land their Forces,  
 which might be wasted over in a very short Time, and by a  
 single Victory they might conquer all the Island, or that Part  
 of it at least, which is most worth the Labour of Conquest ;  
 and though they should be unsuccessful, they could suffer no-  
 thing but the Mortification of their Pride, and would be in a  
 short Time enabled to make a new Attempt.

‘ Thus, my Lords, if we could preserve our Liberty in  
 the general Subjection of the Western Part of the World,  
 we should do it only by turning our Island into a Garrison ;  
 by laying aside all other Employment than the Study of War,  
 and by making it our only Care to watch our Coasts : A  
 State which, surely, ought to be avoided, at almost any Ex-  
 pence and at any Hazard,

‘ To

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‘ To think that we could extend our Trade or encrease our Riches in this State of the Continent, is to forget the Effects of universal Empire. The *French*, my Lords, would then be in Possession of all the Trade of those Provinces which she had conquered, they would be Masters of all their Ports and of all their Shipping ; and your Lordships may easily conceive with what Security we should venture upon the Ocean, in a State of War, when all the Harbours of the Continent afforded Shelter to our Enemies. If the *French* Privateers, from a few obscure Creeks, unsupported by a Fleet of War, or at least not supported by a Navy equal to our own, could make such Devastations in our Trade, as enabled their Country to hold out against the Confederacy of almost all the neighbouring Powers, what, my Lords, might not be dreaded by us, when every Ship upon the Ocean should be an Enemy, when we should be at once overborne by the Wealth and the Numbers of our Adversaries, when the Trade of the World should be in their Hands, and their Navies no less numerous than their Troops ?

‘ I have made this Digression, my Lords, I hope not wholly without Necessity, to shew that the Advantages of preferring the Equipoise of *Europe*, are not as they have been sometimes conceived, empty Sounds or idle Notions ; but that by the Balance of one Nation against another, both the Safety of other Countries and of our own is preserved ; and that therefore it requires all our Vigilance and all our Resolution to establish and maintain it.

‘ That there may come a Time in which this Scheme will be no longer practicable, when a Coalition of Dominions may be inevitable, and when one Power will be necessarily exalted above the rest, is indeed not absolutely impossible ; and therefore not to be peremptorily denied. But it is not to be inferred, that our Care is vain at present, because, perhaps, it may some Time be vain hereafter ; or that we ought now to sink into Slavery without a Struggle, because the Time may come, when our strongest Efforts will be ineffectual.

‘ It has indeed been almost asserted, that the fatal Hour is now arrived, and that it is to no Purpose that we endeavour to raise any farther Opposition to the universal Monarchy projected by *France*. We are told, that the Nation is exhausted and dispirited, that we have neither Influence nor Riches nor Courage remaining, that we shall be left to stand alone against the united House of *Bourbon*, that the *Austrians* cannot, and that the *Dutch* will not, assist us, that the King of *Sardinia* will desert his Alliance, that the  
King

King of *Prussia* has declared against us ; and therefore, that by engaging in the Support of the Pragmatick Sanction, we are about to draw upon ourselves that Ruin which every other Power has foreseen and avoided.

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‘ I am far from denying, my Lords, that the Power of *France* is great and dangerous ; but can draw no Consequence from that Position, but that this Force is to be opposed before it is still greater, and this Danger to be obviated while it is yet surmountable, and surmountable I still believe it by Unanimity and Courage.

‘ If our Wealth, my Lords, is diminished, it is Time to confine the Commerce of that Nation by which we have been driven out of the Markets of the Continent, by destroying their Shipping and intercepting their Merchants. If our Courage is depress’d, it is depress’d not by any Change in the Nature of the Inhabitants of this Island, but by a long Course of inglorious Compliance with the Demands, and of mean Submission to the Insults of other Nations, to which it is necessary to put an End by vigorous Resolutions.

‘ If our Allies are timorous and wavering, it is necessary to encourage them by vigorous Measures, for as Fear, so Courage, is produc’d by Example ; the Bravery of a single Man may withhold an Army from Flight, and other Nations will be ashamed to discover any Dread of that Power which *Great Britain* alone sets at Defiance. They will be less afraid to declare their Intentions, when they are convinced that we intend to support them ; and if there be, in reality, any Prince who does not favour our Design, he will be at least less inclined to obstruct it, as he finds the Opposition which he must encounter more formidable.

‘ For this Reason, my Lords, I am far from discovering the Justness of the Opinion which has prevailed very much in the Nation on this Occasion, that we are not to act without Allies ; because Allies are most easily to be procured by acting, and because it is reasonable and necessary for us to perform our Part, however other Powers may neglect theirs.

‘ The Advice which the Parliament has often repeated to his Majesty, has been to oppose the Progress of *France* ; and though it should be allow’d, that he has been advised to proceed in Concert with his Allies, yet it must be understood to suppose such Allies as may be found to have Courage and Honesty enough to concur with him : It cannot be intended, that he should delay his Assistance till Corruption is reclaimed, or till Cowardice is animated ; for to promise the Queen of *Hungary* Assistance on such Terms, would be to insult her Calamities, and to withhold our Succours,



An. 16. Geo. II. 1742. cours, till she was irrecoverably ruin'd. The Parliament could not insist that we should stand neuter, till all those who

were engag'd by Treaty to support the Pragmatick Sanction, should appear willing to fulfil their Stipulations ; for even *France* is to be numbered among those who have promised to support the House of *Austria* in its Possessions, however she may now endeavour to take them away.

' Even with regard to that Power from which most Assistance may be reasonably expected, nothing would be more imprudent than to declare, that we determine not to act without them ; for what then would be necessary, but that the *French* influence one Town in their Provinces, or one Deputy in their Assemblies, and ruin the House of *Austria* in Security and at Leisure, without any other Expence than that of a Bribe.

' It was therefore necessary to transport our Troops into *Flanders*, to shew the World that we were no longer inclin'd to stand idle Spectators of the Troubles of *Europe*, that we no longer intended to amuse ourselves or our Confederates, with Negotiations which might produce no Treaties, or with Treaties which might be broken, whenever the Violation of them afforded any Prospect of that Advantage ; that we were now resolv'd to sacrifice the Pleasures of Neutrality and the Profits of peaceful Traffick, to the Security of the Liberties of *Europe*, and the Observation of publick Faith.

' This Necessity was so generally allow'd, that when the first Body of Troops was sent over, no Objection was made by those who found themselves inclin'd to censure the Conduct of our Affairs ; but that they were not sufficiently numerous to defend themselves, and would be taken Prisoners by a *French* Detachment ; the Ministry were therefore asked, why they did not send a larger Force, why they engag'd in Hostilities which could only raise the Laughter of our Enemies, and why, if they intended War, they did not raise an Army sufficient to procure it ?

' An Army, my Lords, an Army truly formidable, is now raised, and assembled on the Frontiers of *France*, ready to assist our Ally, and to put a Stop to the Violence of Invasions. We now see ourselves once again united with the House of *Austria*, and may hope once more to drive the Oppressors of Mankind before us. But now, my Lords, a Clamour is propagated through the Nation, that these Measures which have been so long desir'd, are pernicious and treacherous ; that we are armed not against *France*, but against ourselves ; that our Armies are sent over either not

to fight, or to fight in a Quarrel in which we have no Concern ; to gain Victories from which this Nation will receive no Advantage, or to bring new Dishonour upon their Country by a shameful Inactivity.

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' This Clamour, which if it had been confin'd to the Vulgar, had been, perhaps, of no great Importance, nor could have promoted any of the Designs of those by whom it was raised, has been mentioned in this House as an Argument in favour of the Motion which is now under the Consideration of your Lordships ; and it has been urged, that these Measures cannot be proper, because all Measures, by which his Majesty's Government is made unpopular, must in the End be destructive to the Nation.

' On this Occasion, my Lords, it is necessary to consider the Nature of Popularity, and to enquire, how far it is to be consider'd in the Administration of publick Affairs. If by Popularity is meant only a sudden Shout of Applause, obtained by a Compliance with the present Inclination of the People, however incited, or of whatsoever Tendency, I shall without Scruple declare, that Popularity is to be despised ; it is to be despised, my Lords, because it cannot be preserved without abandoning much more valuable Considerations. The Inclinations of the People have in all Ages been too variable for Regard. But if by Popularity be meant that settled Confidence and lasting Esteem, which a good Government may justly claim from the Subject, I am far from denying that it is truly desirable ; and that no wise Man ever disregarded it. But this Popularity, my Lords, is very consistent with Contempt of riotous Clamours, and of mistaken Complaints, and is often only to be obtained by an Opposition to the reigning Opinions, and a Neglect of temporary Discontents : Opinions which may be inculcated without Difficulty by favourite Orators, and Discontents which the Eloquence of seditious Writers may easily produce on Ignorance and Inconstancy.

' How easily the Opinions of the Vulgar may be regulated by those who have obtained, by whatever Methods, their Esteem, the Debate of the Day, my Lords, may inform us ; since if the Measures, against which this Motion is intended, be really unpopular, as they have been represented, it is evident that there has been lately a very remarkable Change in the Sentiments of the Nation ; for it is yet a very little Time since the Repression of the Insolence of *France*, and the Relief of the Queen of *Hungary* was so generally wished, and so importunately demanded,

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manded, that had Measures like these been then formed it is not improbable that they might have reconciled the Publick to that Man, whom the united Voice of the Nation has long labour'd to overbear.

‘ It is indeed urged with a Degree of Confidence, which ought, in my Opinion, to proceed from stronger Proof than has yet been produced, that no Hostilities are intended ; that our Armaments on the Continent are an idle Shew, an inoffensive Ostentation, and that the Troops of *Hanover* have been hired only to enrich the Electorate, under the Appearance of assisting the Queen of *Hungary*, whom in reality they cannot succour without drawing upon their Country the Imperial Interdict.

‘ It has been alledged, my Lords, that these Measures have been concerted wholly for the Advantage of *Hanover*, that this Kingdom is to be sacrificed to the Electorate, and that we are in reality intended to be made Tributaries to a petty Power.

‘ In Confirmation of these Suggestions, Advantage has been taken from every Circumstance that could admit of Misrepresentation. The Constitution of the Empire has been falsely quoted, to prove that they cannot act against the Emperor, and their Inactivity in *Flanders* has been produced as a Proof that they do not intend to enter *Germany*.

‘ Whoever shall consult the constituent and fundamental Pact by which the *German* Form of Government is establish'd, will find, my Lords, that it is not in the Power of the Emperor alone to lay any of the States of *Germany* under the Ban ; and that the Electors are independent in their own Dominions, so far as that they may enter into Alliances with Foreign Powers, and make War upon each other.

‘ It appears therefore, my Lords, that no Law prohibits the Elector of *Hanover* to send his Troops to the Assistance of the Queen of *Hungary* ; he may in Consequence of Treaties march into *Germany*, and attack the Confederates of the Emperor, or what is not now intended, even the Emperor himself, without any Dread of the Severities of the Ban.

‘ Nor does the Continuance of the Forces in *Flanders* shew any Unwillingness to begin Hostilities, or any Dread of the Power either of *Prussia*, whose Prohibition is merely imaginary, or of *France*, who is not less perplexed by the Neighbourhood of our Army, than by any other Method that could have been taken of attacking her ; for being obliged to have an equal Force always in Readiness to observe their Motions, she has not been able to send a new Army  
against

against the *Austrians*, but has been obliged to leave the Emperor at their Mercy, and suffer them to recover *Bohemia* without Bloodshed, and establish themselves at Leisure in *Bavaria*.

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1742.

‘ Nor is this, my Lords, the only Advantage which has been gained by their Residence in *Flanders* ; for the United Provinces have been animated to a Concurrence in the common Cause, and have consented so far to depart from their darling Neutrality, as to send twenty thousand of their Forces to garrison the Barrier. Of this no Man, I suppose, will say that it is not of great Importance to the Queen of *Hungary*, since it sets her free from the Necessity of distracting her Views, and dividing her Forces for the Defence of the most distant Parts of her Dominions at once ; nor will it be affirmed, that this Advantage could have probably been gained, without convincing our Allies of our Sincerity by sending an Army into the Continent.’

‘ If it be asked, what is farther to be expected from these Troops, it ought to be remembered, my Lords, with how little Propriety our Ministers can be required to make publick a Scheme of hostile Operations ; and how much we should expose ourselves to our Enemies, should a Precedent be established by which our Generals would be incapacitated to form any private Designs, and whereby an End would be for ever put to Military Secrecy.

‘ What Necessity there can be for proposing Arguments like these, I am not, indeed, able to discover ; since the Objections which have been made seem to proceed rather from Obstinacy than Conviction ; and the Reflections that have been vented, seem rather the Product of Wit irritated by Malevolence, than of Reason enlightened by calm Consideration. The Ministers have been reproached with *Hanoverian* Measures, without any Proof that *Hanover* is to receive the least Advantage ; and have been charged with betraying their Country by those who cannot show how their Country is injured, nor can prove either that Interest or Good Faith would allow us to sit inactive in the present Disturbances of *Europe*, or that we could have acted in any other Manner with equal Efficacy.

‘ It is so far from being either evident or true, my Lords, that *Great Britain* is sacrificed to *Hanover*, that *Hanover* is evidently hazarded by her Union with *Great Britain*. Had this Electorate now any other Sovereign than the King of *Great Britain*, it might have been secure by a Neutrality, and have looked upon the Miseries of the neighbouring Provinces without any Diminution of its People, or Dis-

Am. 16. Geo. II. 1742. *sturbance of its Tranquility ; nor could any Danger be dreaded, or any Inconvenience be felt but from an open Declaration in Favour of the Pragmatic Sanction.*

‘ Why the Hire of the Troops of any particular Country should be considered as an Act of Submission to it, or of Dependency upon it, I cannot discover ; nor can I conceive for what Reason the Troops of *Hanover* should be more dangerous or less popular, at this than at any former Time, or why the Employment of them should be considered as any particular Regard. If any Addition of Dominion had been to be purchased for the Electorate by the united Arms of the Confederate Army, I should, perhaps, be inclined to censure the Scheme as contrary to the Interest of my native Country ; nor shall any Lord more warmly oppose Designs that may tend to aggrandise another Nation at the Expence of this. But to hire Foreigners, of whatever Country, only to save the Blood of *Britons*, is, in my Opinion, an Instance of Preference which ought to produce rather Acknowledgments of Gratitude than Sallies of Indignation.

‘ Upon the most exact Survey of this Debate, I will boldly affirm, that I never heard in this House a Question, so untenable in itself, so obstinately or so warmly debated : But I hope, that the Sophistries which have been used, however artful, and the Declamations which have been pronounced, however pathetic, will have no Effect upon your Lordships. I hope, that as the other House has already agreed to support the Auxiliaries which have been retained, and which have been proved, in this Debate, to be retained for the strongest Reasons and the most important Purposes, your Lordships will show, by rejecting this Motion, that you are no less willing to concur in the Support of publick Faith ; and that you will not suffer Posterity to charge you with the Advancement of *France*, and the Ruin of *Europe*.

Lord Stanhope's Motion for discharging the Hanoverian Forces, rejected.

The Question being then put upon Lord Stanhope's Motion, it was resolv'd in the Negative by 90 Voices against 35.

The following Lords were present at the Debate. Those distinguish'd thus \*, were for the Motion, and protested. Those †, were for the Motion, but did not protest. Those ‡, were for the Motion, but dissented only.

Lords present at the Debate.

Archbishop of *Canterbury* (a), Lord Chancellor (b), Lord President (c), † Lord Privy Seal (d), Lord Steward (e), Lord Chamberlain (f).

Dukes

(a) Dr. Potter. (b) Lord Hardwicke. (c) Earl of Wilmington. (d) Lord Gower. (e) Duke of Dorset. (f) Duke of Grafton.

Dukes of Richmond (a), \* Beaufort, St Alban's, Leeds, An. 16. Geo. II, 1742, \* Bedford, Devonshire (b), Marlborough (c), Rutland, Montague (d), Newcastle (e), Portland, Manchester (f), Chandos, \* Bridgewater.

Marquisses of Tweeddale (g), Lothian.

Earls of Pembroke (h), Lincoln (i), \* Northampton, Warwick, \* Denbigh, \* Westmoreland, Peterborough, Winchester (k), \* Chesterfield, \* Sandwich, Cardigan, Anglesey, \* Ailesbury, \* Shaftesbury, \* Litchfield, Radnor, Berkeley, \* Abingdon, Holderness (l), Scarborough (m), Rochford, \* Coventry, Jersey, Cholmondeley (n), Hume (o), Loudon (p) Dunmore (q), Portmore, Islay (r), \* Oxford, \* Rockingham, \* Aylesford, † Bristol, † Hallifax, Cowper (s), \* Stanhope, Harborough, Pomfret, † Graham, Ker, Waldegrave, Fitzwalter, Malton, Bath.

Vicounts, \* Hereford, Fauconberg (t), Townshend, † Lansdale, † Cobham, Falmouth, Lymington, Harcourt (u), Torrington (x).

Bishops, Lincoln (y), Rochester (z), Hereford (aa), Sarum (bb), Exeter (cc), Gloucester (dd), Oxford (ee), St Asaph (ff), Norwich (gg), Bangor (hh), Bristol (ii), Chester (kk), Llandaff (ll), St David's (mm).

Lords, Abergavenny (nn), Delawar, Willoughby of Parham, North, \* St John de Bletshoe, Clifton, † Brooke, Poulet, Strange (oo), Berkeley, Cornwallis, \* Craven, Stawell, \* Haversham, Carteret (pp), Conway, † Hervey, Somerville, Hay (qq), \* Montjoy, † Masbam, \* Foley, Bathurst (rr), Onslow, † Romney, Cadogan, Ducie, Hobart (ss), Monson (tt), Lowell (uu), Raymond, \* Talbot, Montfort, Ilchester, Fitzwilliams, Edgcumbe.

1742

Z 2

The

(a) Master of the Horse. (b) Lord Lieutenant of Ireland. (c) Colonel of the Second Regiment of Foot-Guards. (d) Master of the Wardrobe. (e) Secretary of State. (f) Lord of the Bedchamber. (g) Secretary of State for Scotland. (h) Col. of a Regiment of Horse. (i) Lord of the Bedchamber. (k) First Lord of the Admiralty. (l) Lord of the Bedchamber. (m) Treasurer to the Prince. (n) Chancellor of the Duchy of Lancaster. (o) Captain of a Troop of Horse. (p) Col. of a Regiment. (q) Col. of the Third Regiment of Foot-Guards. (r) Lord Justice-General of Scotland. (s) Lord of the Bedchamber. (t) Lord of the Bedchamber. (u) Lord of the Bedchamber. (x) One of the Vice-Treasurers of Ireland. (y) Dr Reynolds. (z) Dr Wilcox. (aa) Dr Egerton. (bb) Dr Sherlock. (cc) Dr Claget. (dd) Dr. Benson. (ee) Dr. Secker. (ff) Dr Madox. (gg) Dr Gooch. (hh) Dr Herring. (ii) Dr Butler. (kk) Dr Mawson. (ll) Dr Gilbert. (mm) Dr Willea. (nn) Master of the Jewel-Office. (oo) Duke of Athole. (pp) Secretary of State. (qq) Earl of Kinoul. (rr) Captain of the Band of Gentlemen Pensioners. (ss) Treasurer of the Chamber. (tt) First Commissioner of Trade. (uu) one of the Commissioners of the Post-Office.

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The Protest entred on the Journals upon this Occasion is as follows.

*Dissentient*<sup>\*</sup>

Gower, C. P. S.

Cobham,

Protest on that  
Occasion.

‘ I. Because we apprehend, That the assembling an Army in *Flanders* last Year, without the Concurrence of the *States General*, was a Measure not only unwarranted by any Advice or Consent of Parliament, but directly repugnant to the declared Sense of the House of Commons in their Resolution of the 23d of \* *March* last; it not appearing to us, That any one Power, engaged by Treaty, or bound by Interest to support the Queen of *Hungary*, except *England* alone, had come in to give her any Assistance, or so co-operate with us in any Plan to which an Army in *Flanders* could be supposed to conduce; and therefore the Support then promised by that House to his Majesty, upon an express conditional Supposition of being joined by such other Powers, is so far from authorising a Measure entered upon in Circumstances totally different, that it plainly points out the Opinion of Parliament against such an Undertaking.

‘ II. Because the taking 16,000 *Hanoverians* into the Service of *Great Britain*, to act in Conjunction with the *English* Forces assembled in *Flanders*, without consulting the Parliament upon an Affair of such an important and delicate Nature (altho’ it was foreseen and pointed out by the King to both Houses of Parliament at the Close of the last Session, and is expressly referr’d to in his Majesty’s Speech at the Opening of this) seems to us highly derogatory to the Rights, Honour and Dignity of the Great Council of the Nation, and a very dangerous Precedent to future Times.

‘ III. Because the restoring the Balance of Power in *Europe*, by raising the House of *Austria* to its former Condition of Influence, Dominion and Strength, is an Object quite unattainable by the Arms of *Great Britain* alone: And for the attaining of which, no other Power has joined, or is likely to join with us in any offensive Engagements, either against the Emperor, or against *France*.

‘ IV. Because such Assistance to the Queen of *Hungary*, as the Situation of her Affairs, and that of all *Europe*, as well as the particular Interest and Policy of this Island require, would have been more properly given in Money, with much less Expence and Danger to us, with

\* See CHANDLER’S History of the Commons, Vol. XIII. P. 216.

‘ with much more Effect and Advantage to our Ally. The An. 16. Geo. II.  
 ‘ 38,000 Men, now said to be paid for her Service, costs 1742.  
 ‘ this Nation 1,400,000 l. one half of which Sum would  
 ‘ have enabled her to maintain a greater Number of Men,  
 ‘ capable of acting wherever her Affairs might require ; so  
 ‘ that above 700,000 l. seems to be wantonly lavish’d away  
 ‘ upon this Occasion, besides the Lives of many of the Sub-  
 ‘ jects of *Great Britain*.

‘ V. Because we apprehend, That the Troops of the  
 ‘ Elector of *Hanover* cannot be employ’d to act in *Cer-*  
 ‘ *many* against the Head of the Empire, whose Title  
 ‘ and Cause have been avowed by the whole Body, in  
 ‘ granting him an Aid of fifty *Roman* Months for his  
 ‘ Support in this very War, without incurring the Risque  
 ‘ of such Consequences upon any ill Success, as neither  
 ‘ consists with the Safety of *Hanover*, nor with the Pru-  
 ‘ dence of *England* ; in which Apprehension we are  
 ‘ strongly confirm’d, by those Troops not having acted  
 ‘ in Opposition to Marshal *Maillebois*, at a Juncture of  
 ‘ Time when such an Assistance, given to the Queen of  
 ‘ *Hungary*, might have been decisive ; and for losing  
 ‘ which Opportunity, no other natural or probable Reason  
 ‘ appears.

‘ VI. Because the assembling an Army in *Flanders*, not  
 ‘ then attacked by the *French*, nor, as it appears to us,  
 ‘ in any Danger of being attacked, could be of no Use to  
 ‘ the Power we design’d to assist, nor give any Hindrance  
 ‘ or Terror to *France*, with regard to the Designs she  
 ‘ was then pursuing ; but may, in its future Consequences,  
 ‘ probably tend to draw the Arms of that Crown into those  
 ‘ Parts, where they can act with the greatest Advantage,  
 ‘ and engage this Nation as Principals in a Land-War,  
 ‘ the Expence and Danger of which are much more cer-  
 ‘ tain and evident, than the Support we shall find in it from  
 ‘ other Powers, or the Means we shall have of carrying  
 ‘ it on.

‘ VII. Because we observed, with the utmost Con-  
 ‘ cern, that while *Great Britain* is exhausting itself, al-  
 ‘ most to Ruin, in pursuance of Schemes pretended to  
 ‘ be founded on our Engagements to the Queen of *Hun-*  
 ‘ *gary*, the Electorate of *Hanover*, tho’ under the same  
 ‘ Engagements, as well as under the same Prince, does  
 ‘ not appear to contribute any Thing as an Ally to her  
 ‘ Assistance, but is paid by *Great Britain* for all the  
 ‘ Forces it has now in the Field ; and the Bargain made  
 ‘ for those Forces, is much more disadvantageous to us,  
 ‘ than



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than what we concluded with that Electorate in the Year 1702. For in the Convention then signed, there is no Stipulation, either for Levy-Money, or for Recruit-Money, with both which we are charg'd in the present Demand, besides other extraordinary Articles; and we conceive, that the Article of Levy-Money, amounting alone to no less a Sum than 139,313 l. is a more particular Hardship upon us, because it is known to all the World, that the 16,000 Men were not levied at the Request, nor for the Service of *England*; but that the only Addition made to the usual Establishment of the Electoral Forces in Time of Peace, was 6000 Men raised some Time before, upon the Death of the late Emperor, and for the Service of his Majesty's *German* Dominions; nor can we help observing, that when we contracted for *Hanover* Troops in *June* 1702, their Pay did not commence till the Beginning of that very Month in which some had already taken the Field, and the rest were actually upon their March; so that the Contract being only to the first of *January* following, *England* receiv'd the Benefit of the Service of those Troops during a whole Campaign, for the Pay of seven Months only; whereas, by now taking those Troops into Pay, on the 31st of *August* 1742, that is a Month before they began their March into *Flanders*, till the 26th of *December* 1743, we shall give them sixteen Months Pay for the Service of one Campaign only, if they should ever make a Campaign at all; so that *Hanover* not only receives the great and immediate Profit of this advantageous Bargain, but is also exonerated of above half the Number of Forces, which it used to maintain in Times of the most profound Tranquility.

VIII. Because the making so unnecessary a Bargain, in so very unthrifty a Manner, when this Nation is groaning under so heavy a Load of Debts and Taxes, engaged in a maritime War, at a mighty Expence, and with doubtful Success, maintaining a great national Army abroad; and at the same Time burthen'd at home with 23,000 Men (the Use of which we cannot discover) over and above 11,550 Marines, excites in our Minds the most alarming and melancholy Apprehensions of the Dissatisfaction and Jealousy that may arise in the Breasts of his Majesty's most faithful Subjects, if ever the servile Ambition of any Minister should attempt to gain, and taint the Royal Ear, by a mistaken Adulation to an imagin'd Partiality (which we are persuaded does not, and cannot exist) in the Behalf

of

' of an Interest, foreign to that of this Kingdom, were it  
 ' ever to be suspected from any such new and surprising  
 ' Appearances, that this Nation could be engaged in the  
 ' most expensive, chimerical and dangerous Scheme, enter-  
 ' ed into without the Advice or Approbation of Parliament ;  
 ' that its Treasure could be exhausted, its Honour exposed,  
 ' and its Safety risqued, for no other End than to advance  
 ' that foreign Interest, and make such a Compliance the  
 ' Price of Favour and Power : We are convinced it would  
 ' be attended with more Alienation of the Hearts of the  
 ' People from his Majesty's Person and Family, than almost  
 ' any other Mismanagement could ever produce: We there-  
 ' fore think it the highest Duty we owe to our King and  
 ' Country, to enter our timely Protest against the Approach  
 ' of so fatal a Mischief, to deprecate the pernicious Effects  
 ' of it in the most solemn Manner we can, and to express  
 ' our earnest Desire, that this Motion had been complied  
 ' with, in order to stop an Evil in its Beginnings, by the  
 ' prudent and salutary Intervention of one House of Parlia-  
 ' ment, which by the encreasing Corruption of Ministers,  
 ' may be extended so far, as either to throw this Nation into  
 ' the greatest Disorder, or reduce it to a State of the meanest  
 ' Dependency.

*Chesterfield, Rockingham, Westmoreland, Beaufort, Shaftsbury, St. John, Montjoy, Bedford, Stanhope, Bridgewater, Sandwich, Aylesbury, Haverham, Hereford, Talbot, Coventry, Oxford and Mortimer, Northampton, Aylesford, Litchfield, Denbigh, Craven, Abingdon, Foley.*

The Motion for discharging the *Hanoverians* being rejected, the Earl of *Scarborough* spoke to the following Effect.

*My Lords,*

' It has been justly observed in the Debate of this Day, *E. of Scarborough*  
 that the Opinions of the People of *Great Britain* are regulated *proposes a Cen-*  
 in a great Measure by the Determinations of this House ; that *sure on that Mo-*  
 they consider this as the Place where Truth and Reason obtain  
 a candid Audience, as a Place sacred to Justice and to  
 Honour, into which Passion, Partiality and Faction have  
 been very rarely known to intrude ; and that they therefore  
 watch our Decisions as the great Rules of Policy and stand-  
 ing Maxims of Right, and readily believe those Measures nec-  
 essary in which we concur, and that Conduct unblameable  
 which has gained our Approbation.

' This Reputation, my Lords, we ought diligently to  
 preserve by an unwearied Vigilance for the Happiness of our  
 Fellow-

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Fellow-Subjects ; and while we possess it, we ought likewise to employ its Influence to beneficial Purposes, that the Cause and the Effect may reciprocally produce each other ; that the People, when the Prosperity which they enjoy by our Care inclines them to repose in us an implicate Confidence, may find that Confidence a new Source of Felicity ; that they reverence us, because they are secure and happy, and be secure and happy, because they reverence us.

‘ This great End, my Lords, it will not be very difficult to attain ; the Foundation of this exalted Authority may easily be laid, and the Superstructure raised in a short Time ; the one may be laid too deep to be undermined, and the other built too firmly to be shaken ; at least they can be impaired only by ourselves, and may set all external Violence at Defiance.

‘ To preserve the Confidence of the People, and consequently to govern them without Force and without Opposition, it is only necessary that we never willingly deceive them ; that we expose the publick Affairs to their View, so far as they ought to be made publick, in their true State ; that we never suffer false Reports to circulate under the Sanction of our Authority ; nor give the Nation Reason to think we are satisfied, when we are in reality suspicious of illegal Designs, or that we suspect those Measures of latent Mischiefs with which we are in reality completely satisfy’d.

‘ But it is not sufficient, my Lords, that we publish ourselves no fallacious Representations of our Councils ; it is necessary likewise, that we do not permit them to be publish’d ; that we do obviate every Falshood in its Rise, and propagate Truth with our utmost Diligence : For if we suffer the Nation to be deceived, we are not much less criminal than those who deceive it ; at least we must be confessed no longer to act as the Guardians of the publick Happiness, if we suffer it to be interrupted by the dispersing of Reports which we know to be at once false and pernicious.

‘ Of these Principles, which I suppose will not be contested, an easy Application may be made to the Business of the present Day. A Question has been debated with great Address, great Ardour, and great Obstinacy, which is in itself, though not doubtful, yet very much diffused, complicated with a great Number of Circumstances, and extended to a Multitude of Relations ; and is therefore a Subject upon which Sophistry may very safely practise her Arts, and which may be shewn in very different Views to those whose intellectual Light is too much contracted to receive the whole

Object

Object at once. It may easily be asserted by those who have long been accusom'd to affirm without Scruple whatever they desire to obtain Belief, that the Arguments in favour of the Motion, which has now been rejected by your Lordships, were unanswerable; and it will be no hard Task to lay before their Audience such Reasons as, though they have been easily confuted by the Penetration and Experience of your Lordships, may, to Men unacquainted with Politicks and remote from the Sources of Intelligence, appear very formidable.

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' It is therefore not sufficient, that your Lordships have rejected the former Motion, and shewn that you do not absolutely disapprove the Measures of the Government; since it may be asserted, and with some Appearance of Reason, that barely not to admit a Motion by which all Measures of the last Year would have been at once overturned and annihilated, is no Proof that they have been fully justified and warmly confirmed, since many of the Transactions might have been at least doubtful, and yet this Motion not have been proper.

' In an Affair of so great Importance, my Lords, an Affair in which the Interest of all the Western World is engaged, it is necessary to take away all Suspensions, when the Nation is about to be involved in a War for the Security of ourselves and our Posterity; in a War which, however prosperous, must be at least expensive, and which is to be carry'd on against an Enemy who, tho' not invincible, is in a very high Degree powerful. It is surely proper to shew in the most publick Manner our Conviction, that neither Prudence nor Frugality has been wanting, that the Inconveniences which will be always felt in such Contentions, are not brought upon us by Wantonness or Negligence, and that no Care is omitted by which they are alleviated, and that they may be borne more patiently, because they cannot be avoided.

' This Attestation, my Lords, we can only give by a solemn Address to his Majesty, of a Tendency contrary to that of the Motion now rejected; and by such an Attestation only can we hope to revive the Courage of the Nation, to unite those in the Common Cause of Liberty whom false Reports have alienated or shaken, and to restore to his Majesty that Confidence, which all the Subtilties of Faction have been employ'd to impair. I therefore move, that an humble Address be presented to his Majesty, to this Effect, ' That in the unsettled and dangerous Situation of Affairs in Europe, the sending a considerable Body of British Forces into the Austrian  
' Neither-

An. 16. Geo. II. <sup>1742.</sup> *Netherlands*, and augmenting the same with 16000 of his Majesty's Electoral Troops, and the *Hessians* in the *British* Pay, and thereby in conjunction with the Queen of *Hungary's* Troops in the Low Countries, forming a great Army for the Service of the Common Cause, was a wise, useful and necessary Measure ; manifestly tending to the Support and Encouragement of his Majesty's Allies, and the real and effectual Assistance of the Queen of *Hungary*, and the restoring and maintaining the Balance of Power ; and has already produced very advantageous Consequences.'

E. of Oxford.

The Earl of *Oxford* \* spoke next to the following Effect:

*My Lords,*

' The Necessity of supporting our Reputation and of preserving the Confidence of the Publick, I am by no means inclined to dispute ; being convinced, that from the Instant in which we shall lose the Credit which our Ancestors have deliver'd down to us, we shall be no longer consider'd as a Part of the Legislature ; but be treated by the People only as an Assembly of Hirelings and Dependents, convened at the Pleasure of the Court to ratify Decisions without Examination, to extort Taxes, promote Slavery, and to share with the Ministry the Crime and the Infamy of Oppression.

' For this Reason it is undoubtedly proper, that we avoid not only the Crime but the Appearance of Dependence ; and that every doubtful Question should be freely debated, and every pernicious Position publicly condemned ; and that when our Decisions are not agreeable to the Opinion or Expectations of the People, we should at least shew them that they are not the Effects of blind Compliance with the Demands of the Ministry, or of an implicate Resignation to the Direction of a Party. We ought to shew, that we are unprejudic'd and ready to hear Truth, that our Determinations are not dictated by any Foreign Influence, and that it will not be in vain to inform us or useless to petition us.

' In these Principles I agree with the noble Lord who has made the Motion ; but in the Consequences which are on this Occasion to be drawn from them, I cannot but differ very widely from him ; for, in my Opinion, nothing can so much impair our Reputation as an Address like that which is propos'd ; an Address not founded either upon Facts or Arguments, and from which the Nation can collect only, that the Protection of this House is withdrawn from them, and that they are to perish as a Sacrifice to the Interest of *Hanover*.

' Let

\* Succeeded his Cousin as Earl of Oxford in the first Session, being then Knight of the Shire for Herefordshire.

‘ Let us consider what we are now invited to assert ; and it will easily appear, how well this Motion is calculated to preserve and to advance the Reputation of this House. We are to assert, my Lords, the Propriety of a new War against the most formidable Power of the Universe, at a Time when we have been defeated and disgraced in our Contests with a Kingdom of inferior Force. We are to declare our Readiness to pay and raise new Taxes, since no War can be carried on without them, at a Time, when our Commerce, the great Source of Riches, is obstructed ; when the Interest of Debts contracted during a long War, and a Peace almost equally expensive, is preying upon our Estates ; when the Profits of the Trade of future Ages, and the Rents of the Inheritances of our latest Descendants, are mortgaged ; and what ought yet more to affect us, at a Time when the Outcry of Distress is universal, when the Miseries of hopeless Poverty have sunk the Nation into Despair, when Industry scarcely retains Spirit sufficient to continue her Labours, and all the Lower Ranks of Mankind are overwhelmed with the general Calamity.

‘ There may perhaps be some among your Lordships, who may think this Representation of the State of the Publick exaggerated beyond the Truth. There are many in this House who see no other Scenes than the Magnificence of Feasts, the Gayeties of Balls, and the Splendor of a Court ; and it is not much to be wondered at, if they do not easily believe, what is often their Interest to doubt, that this Luxury is supported by the Distress of Millions, and that this Magnificence exposes Multitudes to Nakedness and Famine. It is my Custom, when the Business of the Parliament is over, to retire to my Estate in the Country, where I live without Noise, and without Riot, and take a calm and deliberate Survey of the Condition of those that inhabit the Towns and Villages about me. I mingle in their Conversation and hear their Complaints ; I enter their Houses, and find by their Condition, that their Complaints are just ; I discover, that they are daily impoverished, and that they are not able to struggle under the enormous Burthens of publick Payments, of which I am convinced, that they cannot be levied another Year without exhausting the People, and spreading universal Beggary over the Nation.

‘ What can be the Opinion of the Publick, when they see an Address of this House, by which new Expences are recommended ? Will they not think that their State is desperate, and that they are sold to Slavery, from which nothing but Insurrections and Bloodshed can release them ? If they retain

An. 16. Geo. II. retain any Hopes of Relief from this House, they must soon be extinguished, when they find in the next Clause, that we are sunk to such a Degree of Servility as to acknowledge Benefits which were never received, and to praise the invincible Service of our Army in *Flanders*.

1742.

‘ If it be necessary, my Lords, to impose upon the Publick, let us at least endeavour to do it less grossly ; let us not attempt to persuade them, that those Forces have gained Victories, who have never seen an Enemy, or that we are benefited by the Transportation of our Money into another Country.

‘ If it be necessary to censure those noble Lords who have supported the former Motion, and to punish them for daring to use Arguments which could not be confuted ; (for this is the apparent Tendency of the present Motion) let us not lose all Consideration of ourselves, nor sacrifice the Honour of the House to the Resentment of the Ministry.

‘ For my Part, my Lords, I shall continue to avow my Opinion in Defence of Censures, Motions, and Addresses ; and as I struggled against the former Ministry, not because I envied or hated them, but because I disapproved their Conduct, I shall continue to oppose Measures equally destructive with equal Zeal, by whomsoever they are projected, or by whomsoever patronised.

Then the Earl of *Chesterfield* spoke next to the following Purpose.

*My Lords,*

*sterfield* ‘ After so full a Defence of the former Motion as the late Debate has produced, it is rather with indignation than Surprise, that I hear that which is now offered. It has been for a long Time the Practice of those, who are supported only by their Numbers, to treat their Opponents with Contempt, and when they cannot answer to insult them ; and Motions have been made, not because they were thought right by those who offered them, but because they would certainly be carried, and would by being carried mortify their Opponents.

‘ This, my Lords, is the only Intent of the present Motion, which can promote no useful Purpose, and which, though it may flatter the Court, must be considered by the People as an Insult ; and therefore, though I believe all Opposition fruitless, I declare that I never will agree to it.

‘ And to shew, my Lords, that I do not oppose the Ministry for the Sake of obstructing the publick Counsels, or of irritating those whom I despair to defeat, and that I

am not afraid of trusting my Conduct to the impartial Examination of Posterity, I shall beg Leave to enter, with my † Protest, the Reasons which have influenced me in this Day's Deliberation, that they be considered when this Question shall no longer be a Point of Interest, and our present jealousies and Animosities are forgotten.

The Question being put upon the Lord Scarbrough's Motion, the same was agreed to, Ayes 78, Noes 35.

The Speakers for the Resolution propos'd by the Earl of Scarbrough, and against the Address moved for by Lord Stanhope, were the Duke of Newcastle, the Lords Carteret and Bathurst, the Earls of Bath, Scarbrough and Cholmondeley, and the Lord Chancellor. — For the Address were the Duke of Bedford, the Earls of Chesterfield, Sandwich, Stanhope, and Oxford; the Lords Hervey and Conisale. — The Duke of Argyle and Earl of Orford were absent.

February 7. The Lords received the following State of the National Debt, viz.

|  | l.         | s.   | d.   |                             |
|--|------------|------|------|-----------------------------|
| On the 31st of December, 1741, }<br>the State thereof was      | 46,956,146 | : 03 | : 4½ |                             |
| Increased between December 31, }<br>1741, and Dec. 31, 1742, } | 2,400,000  |      |      |                             |
|  | <hr/>      |      |      |                             |
| Paid off within the said Time                                  | 49,356,146 | : 03 | : 4½ | State of the National Debt; |
|  | 441,098    | : 05 | : 7  |                             |

Amount of the National Debt, }  
Dec. 31, 1742. 48,915,047 : 17 : 9½

The next Day read a first Time a Bill to punish Persons who should assist in pulling down Turnpikes.

Feb. 9. The said Bill was read a second Time; and the Bill to punish Persons who shall assist Prisoners to escape, ordered to be printed.

Feb. 15. The Lords read a first Time a Bill, For repealing certain Duties on Spirituous \* Liquors and on Licences for retailing Spirituous Li-  
quors. Debate on the Bill for retailing Spirituous Li-  
quors.

† See before p. 132.

\* By this Bill a small Duty per Gallon was laid on at the Still-head, and the Licence was to cost but 20 s. which was to be granted only to such as had Licences for selling Ale.

On the Credit of this Bill, as soon as it was passed by the Commons, the Ministry borrowed a large Sum at 3 per Cent. but it was generally believed that the Sinking Fund was pledged as a collateral Security to pay any Deficiency.

The Duties proposed to be repealed were those laid by the Act of the 9th of his present Majesty, which permitted no person to sell Spirituous Liquors in less Quantity than two Gallons without a Licence, for which 50 l. was to be paid. — See the Debate on the late Sir Joseph Jekyll's Motion for bringing in this Bill, in Chandler's History, Vol. 9. p. 153.



An. 16. Geo. II. *tailing the same and for laying other Duties on Spirituous Liquors, and on Licences for retailing the said Liquors*, which was ordered a second Reading, and the Lords to be summoned.

Alterations in the Peerage.

The same Day died the Rt. Hon. *George Henry Lee*, Earl of *Litchfield*, &c. succeeded by his Son the Lord Viscount *Quarendon*, Knight of the Shire for *Oxford*. As did also the Rt. Hon. *Francis Howard*, Earl of *Effingham*, Deputy Earl Marshal of *England*, and Colonel of the Fourth Troop of Life-Guards, succeeded by his Son the Lord *Howard*.

Motion for the Opinion of Physicians, touching Spirituous Liquors.

Feb. 21. The Lords ordered several Papers to be laid before them concerning the Distilling \* Trade; and a Motion being made by the Lord *Hervey*, That Three of the most eminent Physicians be ordered to attend, to be examined touching the pernicious Effects of Spirituous Liquors; it pass'd in the Negative, Ayes 17, Noes 33.

The  
\* Produce of Low Wines and Spirits, extracted from foreign Materials, from Midsummer 1732 to 1742.

Gallons, at 6 d.

Low Wines.

|       |             | l.      | s. | d. |
|-------|-------------|---------|----|----|
| 1733, | 1,334,094   | 33,352  | 7  | 0  |
| 1734, | 1,614,674   | 40,366  | 17 | 0  |
| 1735, | 1,415,022½  | 35,375  | 11 | 1½ |
| 1736, | 1,495,882½  | 37,397  | 1  | 4½ |
| 1737, | 932,876½    | 23,321  | 18 | 6  |
| 1738, | 1,028,370   | 25,709  | 5  | 0  |
| 1739, | 1,308,779   | 32,719  | 9  | 6  |
| 1740, | 1,337,729   | 33,443  | 4  | 6  |
| 1741, | 1,366,123   | 34,153  | 1  | 6  |
| 1742, | 1,176,258   | 29,409  | 9  | 0  |
|       | 13,009,808½ | 325,245 | 4  | 6  |

Gallons at 1 d.

Spirits.

|       |           | l.      | s. | d. |
|-------|-----------|---------|----|----|
| 1733, | 889,396   | 11,117  | 9  | 0  |
| 1734, | 1,076,449 | 13,455  | 12 | 3  |
| 1735, | 943,348   | 11,791  | 17 | 0  |
| 1736, | 997,254   | 12,465  | 13 | 6  |
| 1737, | 621,917   | 7,773   | 19 | 3  |
| 1738, | 685,580   | 8,569   | 15 | 0  |
| 1739, | 872,519   | 10,906  | 9  | 9  |
| 1740, | 891,819   | 11,147  | 14 | 9  |
| 1741, | 910,748   | 11,384  | 7  | 0  |
| 1742, | 784,172   | 9,802   | 3  | 0  |
|       | 8,673,202 | 108,415 | 0  | 6  |

Quan-

The next Day several Accounts relating to Spirituous Li- An. 16. Geo. II.  
quors were laid before the House, and the Commissioners of  
Excise, according to Order, brought an Account of the Sums <sup>1742.</sup>  
arising

Quantities and Produce of Low Wines and Spirits extracted from Malt  
or Corn, from Midsummer 1732, to Midsummer 1742.

*Gal. at 1 d.*

*Low Wines.*

|       |            | l.      | s. | d. |
|-------|------------|---------|----|----|
| 1733, | 6,558,063  | 27,325  | 5  | 3  |
| 1734, | 8,245,838  | 34,357  | 13 | 2  |
| 1735, | 8,991,372  | 37,464  | 1  | 0  |
| 1736, | 8,476,271  | 35,317  | 15 | 11 |
| 1737, | 6,018,592  | 25,077  | 9  | 0  |
| 1738, | 7,860,538  | 32,752  | 4  | 10 |
| 1739, | 8,151,876  | 33,966  | 3  | 0  |
| 1740, | 9,596,126  | 39,983  | 17 | 2  |
| 1741, | 10,879,921 | 45,333  | 0  | 1  |
| 1742, | 11,935,813 | 49,732  | 11 | 1  |
|       | <hr/>      | <hr/>   |    |    |
|       | 86,714,410 | 361,310 | 0  | 6  |

*Gal. at 3 d.*

*Spirits.*

|       |            | l.      | s. | d. |
|-------|------------|---------|----|----|
| 1733, | 3,934,837  | 49,185  | 9  | 3  |
| 1734, | 4,947,502  | 61,843  | 15 | 6  |
| 1735, | 5,394,823  | 67,435  | 5  | 9  |
| 1736, | 5,085,762  | 63,572  | 0  | 6  |
| 1737, | 3,611,155  | 45,139  | 8  | 9  |
| 1738, | 4,716,322  | 58,954  | 0  | 6  |
| 1739, | 4,891,125  | 61,139  | 1  | 3  |
| 1740, | 5,757,675  | 71,970  | 18 | 9  |
| 1741, | 6,527,952  | 81,599  | 8  | 0  |
| 1742, | 7,161,447  | 89,518  | 11 | 9  |
|       | <hr/>      | <hr/>   |    |    |
|       | 52,028,640 | 650,358 | 0  | 0  |

Account of Rum and foreign Brandy imported from Midsummer 1735,  
to Midsummer 1742.

|       | <i>Brandy</i>         | <i>Rum</i>            | <i>Duty</i>             |
|-------|-----------------------|-----------------------|-------------------------|
|       | <i>Gallons</i>        | <i>Gallons</i>        |                         |
| 1736, | 428,537 $\frac{1}{2}$ | 332,215 $\frac{1}{2}$ | <i>4 s. per Gallon.</i> |
| 1737, | 312,892 $\frac{1}{2}$ | 390,715               |                         |
| 1738, | 422,312 $\frac{1}{2}$ | 192,739 $\frac{1}{2}$ |                         |
| 1739, | 361,111 $\frac{1}{2}$ | 328,746               |                         |
| 1740, | 416,046 $\frac{1}{2}$ | 416,897 $\frac{1}{2}$ |                         |
| 1741, | 369,873 $\frac{1}{2}$ | 320,367               |                         |
| 1742, | 312,001 $\frac{1}{2}$ | 469,899 $\frac{1}{2}$ |                         |

Besides as much Brandy unenter'd each Year.

The

An. 16. Geo. II. arising by the last Act, and a yearly Account for several Years past; and attending, were examined concerning the Execution of the last Act.

1742.  
Bp. of Oxon. The Bishop of *Oxford*\* enquired, Whether it had been effectually put in Force; and Questions of the same Kind were asked by the Lord *Lonsdale* and others: To which the Commissioners answered, That it had been diligently and vigorously executed, so far as they or their Officers had Power to enforce it; but that the Justices had not always been equally zealous in seconding their Endeavours; and that it was impossible to discover all the petty Dealers by whom it was infringed, Spirituous Liquors still continuing to be sold in small obscure Shops, and at the Corners of the Streets.

Then the said Bill was read a second Time, and a Motion being made for committing the same, Lord *Hervey* spoke to the following Effect:

*My Lords,*

• *Ld. Hervey.*

‘Tho’ I doubt not but the Bill now before us will be promoted in this House, by the same Influence by which it has been conducted thro’ the other; yet I hope, its Success will be very different; and that those Arts by which its Consequences, however formidable, have been hitherto concealed, or by which those whose Business it was to have detected them, have been induced to turn their Eyes aside, will not be practised here with the same Efficacy, though they should happen to be attempted with the same Confidence. I hope that Zeal for the Promotion of Virtue, and that Regard to public Happiness, which has on all Occasions distinguished this illustrious Assembly, will operate now with uncommon Energy; and prevent the Approbation of a Bill, by which Vice is to be made legal; by which all the Order of Society, and

The following is an Account of the neat and gross Money that the Excise of Beer and Ale has brought into the Government, from Midsummer 1735, to Midsummer 1742, distinguishing each Year, viz.

|        | Gross.    |    |                  | Neat.     |    |                  |
|--------|-----------|----|------------------|-----------|----|------------------|
|        | l.        | s. | d.               | l.        | s. | d.               |
| 1736,  | 1,028,792 | 17 | 0 $\frac{1}{2}$  | 929,148   | 1  | 7 $\frac{1}{2}$  |
| 1737,  | 1,041,337 | 18 | 0 $\frac{1}{2}$  | 935,132   | 1  | 10 $\frac{1}{2}$ |
| 1738,  | 1,017,135 | 9  | 1 $\frac{1}{2}$  | 912,796   | 5  | 0                |
| 1739,  | 1,039,666 | 3  | 6                | 935,185   | 6  | 8 $\frac{1}{2}$  |
| 1740,  | 1,017,795 | 6  | 4                | 916,340   | 3  | 1 $\frac{1}{2}$  |
| 1741,  | 956,144   | 19 | 10 $\frac{1}{2}$ | 852,550   | 15 | 6 $\frac{1}{2}$  |
| 1742,  | 1,002,165 | 1  | 2 $\frac{1}{2}$  | 895,122   | 1  | 6                |
| In all | 7,103,038 | 15 | 1 $\frac{1}{4}$  | 6,376,274 | 15 | 5 $\frac{1}{2}$  |

\* Dr. Secker.

and Decency of regular Establishments, will be lost in the wild Confusions of Debauchery encouraged by Law, and promoted for the Support of Measures expensive, ridiculous, and unnecessary.

An. 16. Geo. II.  
1742.

‘ A Law of so pernicious a Tendency shall, at least, not pass thro’ this House without Opposition ; nor shall Drunkenness be established among us without the Endeavour of one Voice at least to withhold its Progress ; for I now declare that I oppose the Commitment of this Bill, and that I am determined to continue my Opposition to it in all the Steps by which the Forms of our House make it necessary, that it should pass before it can become a Law.

‘ Nor do I speak, my Lords, on this Occasion, with that Distrust and mental Hesitation which are both natural and decent, when Questions are dubious, when Probability seems to be almost equally divided, when Truth appears to hover between two Parties, and by Turns to favour every Speaker. My Lords, I don’t speak with the Diffidence of Inquiry, or the Uncertainty of Conjecture, nor imagine that I am now examining a political Expedient of which the Success can only be perfectly known by Experience ; and of which therefore no Man can absolutely determine ; whether it will be useful or pernicious, or a metaphysical Difficulty which may be discussed for ever without being decided.

‘ In considering this Bill, my Lords, I proceed upon stated and invariable Principles. I have no Facts to examine but such as to the last Degree are notorious, such as have been experienced every Hour since the Existence of Society, and shall appeal to the Laws of all civilized Nations, and to the Determinations of every Man whose Wisdom or Virtue have given him a Claim to Regard.

‘ All the Decrees of all the Legislators of the Earth, all the Declarations of wise Men, all the Observations which Nature furnishes, and all the Examples which History affords, concur in condemning this Bill before us as a Bill injurious to Society, destructive of private Virtue, and by Consequence of public Happiness, detrimental to the human Species, and therefore such as ought to be rejected in that Assembly to which the Care of a Nation is committed ; that Assembly which ought to meet only for the Benefit of Mankind, and whose Resolutions ought to have no other End than the Suppression of those Vices by which the Happiness of Life is obstructed or impaired.

‘ The Bill now before you, my Lords, is fundamentally wrong, as it is formed upon a hateful Project of increasing the Consumption of Spirituous Liquors ; and consequently of promoting Drunkenness among a People reproached already

An. 16. Geo. II. for it throughout the whole World. It contains such a Concatenation of Enormities, teems with so vast a Number of Mischiefs, and therefore produces, in those Minds that attend to its Nature, and pursue its Consequences, such endless Variety of Arguments against it, that the Memory is perplexed, the Imagination crowded, and Utterance overburthened. Before any of its pernicious Effects is fully dilated a thousand other appear, the Hydra still shoots out new Heads, and every Head vomits out new Poison to infect Society, and lay the Nation desolate.

1742.

‘ I am therefore at a Loss, my Lords, not how to raise Arguments against this Bill, which cannot be read or mentioned without furnishing them by Thousands; but how to methodise those that occur to me, and under what Heads to range my Thoughts, that I may pursue my Design without Confusion, that I may understand myself and be understood by your Lordships.

‘ A Multitude of Considerations are obvious, all of Importance sufficient to claim Attention and to outweigh the Advantages proposed by this hateful Bill, but which cannot all be mentioned, or at least not with that Exactness which they deserve. I shall therefore confine myself at present to three Considerations, and shall entreat the Attention of your Lordships, while I examine the Bill now before us, with regard to its Influence on the Health and Morals of the People, the Arguments by which it has been hitherto supported, and the Effects which it will have on the Sinking Fund.

‘ The First Head, my Lords, is so copious, that I find myself very little relieved by the Division which I have made. The moral Arguments, though separated from those which are either political or temporary, are sufficient to overpower the strongest Reason, and overflow the most extensive Comprehension.

‘ It is not necessary, I suppose, to shew that Health of Body is a Blessing, that the Duties of Life in which the greatest Part of the World is employed, require Vigour and Activity; and that to want Strength of Limbs and to want the necessary Supports of Nature, are to the lower Classes of Mankind the same. I need not observe to your Lordships, whose legislative Character obliges you to consider the general Connection of Society, that all the Advantages which high Stations or large Possessions can confer, are derived from the Labours of the Poor; that to the Plow, and the Anvil, the Loom, and the Quarry, Pride is indebted for its Magnificence, Luxury for its Dainties, and Delicacy for its Ease. A very little Consideration will be sufficient to shew, that the lowest Orders of Mankind supply Commerce with Manufactures,

tures, Navigation with Mariners, and War with Soldiers ; that they constitute the Strength and Riches of every Nation, and that, though they generally move only by superior Direction, they are the immediate Support of the Community ; and that without their Concurrence, Policy would project in vain, Wisdom would end in idle Speculation, and the Determinations of this House would be empty Sounds.

‘ It is, therefore, my Lords of the utmost Importance, that all Practices should be suppressed by which the lower Orders of the People are enfeebled and enervated ; for if they should be no longer able to bear Fatigues or Hardships ; if an epidemical Weakness of Body should be diffused among them, our Power must be at an End, we should no longer give Law to Mankind by our naval Force, nor send out Armies to fight for the Liberty of distant Nations. We should no longer supply the Markets of the Continent with our Commodities, or share in all the Advantages which Nature has bestowed upon distant Countries ; for all these, my Lords, are the Effects of indigent Industry, and mechanic Labour.

‘ All these Blessings or Conveniences are procured by that Strength of Body, which Nature has bestowed upon the Natives of this Country, who have hitherto been remarkably robust and hardy, able to support long Fatigues, and to contend with the Inclemency of rigorous Climates, the Violence of Storms and the Turbulence of Waves, and who have therefore extended their Conquests with uncommon Success, and been equally adapted to the Toils of Trade and of War, and have excelled those who endeavoured to rival them either in the Praise of Workmanship or of Valour.

‘ But, my Lords, if the Use of Spirituous Liquors be encouraged, their Diligence, which can only be supported by Health, will quickly languish ; every Day will diminish the Numbers of the Manufacturers and by consequence augment the Price of Labour ; those who continue to follow their Employments, will be partly enervated by Corruption, and partly made wanton by the Plenty which the Advancement of their Wages will afford them, and partly by the Knowledge that no Degree of Negligence will deprive them of that Employment in which there will be none to succeed them. All our Commodities, therefore, will be wrought with less Care and at a higher Price, and therefore will be rejected at foreign Markets in Favour of those which other Nations will exhibit of more Value, and yet at a lower Rate.

‘ No sooner, my Lords, will this Bill make Drunkenness unexpensive and commodious, no sooner will Shops be open-

An. 16. Geo. II. ed in every Corner of the Streets, in every petty Village and in every obscure Cellar for the Retail of these Liquors, than the Work-Rooms will be forsaken, when the Artificer has by the Labour of a small Part of the Day procured what will be sufficient to intoxicate him for the remaining Hours; for he will hold it ridiculous to waste any Part of his Life in superfluous Diligence, and will readily assign to Merriment and Frolicks that Time which he now spends in useful Occupations.

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‘ But such is the Quality of these Liquors, that he will not long be able to divide his Life between Labour and Debauchery, he will soon find himself disabled by his Excesses from the Prosecution of his Work; and those Shops which were before abandoned for the Sake of Pleasure, will soon be made desolate by Sickness; those who were before idle, will become diseased, and either perish by untimely Deaths, or languish in Misery and Want, an useless Burthen to the Publick.

‘ Nor, my Lords, will the Nation only suffer by the Deduction of such Numbers from useful Employments, but by the Addition of great Multitudes to those who must be supported by the Charity of the Publick. The Manufacturer, who by the Use of Spirituous Liquors weakens his Limbs or destroys his Health, at once takes from the Community to which he belongs, a Member, by which the common Stock was encreased; and by leaving a helpless Family behind him, encreases the Burthen which the Common Stock must necessarily support. And the Trader or Husbandman is obliged to pay more towards the Maintenance of the Poor, by the same Accident which diminishes his Trade or his Harvest, which takes away Part of the Assistance which he received, and raises the Price of the rest.

‘ That these Liquors, my Lords, Liquors of which the Strength is heighten’d by Distillation, have a natural Tendency to inflame the Blood, to consume the vital Juices, destroy the Force of the Vessels, contract the Nerves, and weaken the Sinews; that they not only disorder the Mind for a Time, but by a frequent Use precipitate old Age, exasperate Diseases, and multiply and encrease all the Infirmities to which the Body of Man is liable, is generally known to all whose Regard to their own Health, or study to preserve that of others, has at any Time engaged them in such Inquiries; and would have been more clearly explained to your Lordships, had the learned Physicians been suffered to have given their Opinions on this Subject, as was yesterday propos’d.

‘ Why

‘ Why the Proposal was rejected, my Lords, for what Reason, in the Discussion of so important a Question, any Kind of Evidence was refused, Posterity will find it difficult to explain, without imputing to your Lordships such Motives as, I hope, will never operate in this House. It will be, perhaps, thought that the Danger was generally known, though not acknowledged, and that those who resolved to pass the Bill, had no other Care than to obstruct such Informations as might prove to Mankind that they were incited by other Designs than that of promoting the Publick Good.

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‘ It is not, however, necessary that any very curious Inquiries should be made for the Discovery of that which indeed cannot be concealed, and which every Man has an Opportunity of remarking that passes thro’ the Streets.

‘ So publick, so enormous, and so pernicious has been this dreadful Method of Debauchery, that it has excited and baffled the Diligence of the Magistrates, who have endeavoured to stop its Progress or hinder its Effects. They found their Efforts ineffectual, and their Diligence not only not useful to the Publick, but dangerous to themselves. They quickly experienced, my Lords, the Folly of those Laws which punish Crimes instead of preventing them; they found that legal Authority had little Influence, when opposed to the Madeness of Multitudes intoxicated with Spirits, and that the Voice of Justice was but very little heard amidst the Clamours of Riot and Drunkenness.

‘ We live, my Lords, in a Nation, where the Effects of strong Liquors have been for a long Time too well known; we know that they produce in almost every one a high Opinion of his own Merit; that they blow the latent Sparks of Pride into Flame, and therefore destroy all voluntary Submission; they put an End to Subordination, and raise every Man to an Equality with his Master.

‘ Pride, my Lords, is the Parent and Fosterer of Resentment; for this Reason, Men are almost always inclined, in their Debauches, to Quarrels and to Blood-shed; they think more highly of their own Merit, and therefore more readily conclude themselves injured; they are wholly divested of Fear, insensible of present Danger, superior to all Authority, and therefore thoughtless of future Punishment: And what then can hinder them from expressing their Resentment with the most offensive Freedom, or pursuing their Revenge with the most daring Violence.

‘ Thus, my Lords, are forgotten Disputes often reviv’d, and after having been long reconciled, are at last terminated by Blows; thus are Lives destroy’d upon the most trifling



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Occasions, upon Provocations often imaginary, upon chimerical Points of Honour, where he who gave the Offence, perhaps without Design, supports it only because he has given it; and he who resents it, pursues his Resentment only because he will not acknowledge his Mistake.

‘ Thus are Lives lost, my Lords, at a Time, when those who set them to hazard, are without Consciousness of their Value, without Sense of the Laws which they violate, and without Regard to any Motives but the immediate Influence of Rage and Malice.

‘ When we consider, my Lords, these Effects of Drunkenness, it can be no Subject of Wonder, that the Magistrate finds himself overborn by a Multitude united against him, and united by general Debauchery. Government, my Lords, subsists upon Reverence; and what Reverence can be paid to the Laws, by a Crowd, of which every Man is exalted by the Enchantment of those intoxicating Spirits, to the Independence of a Monarch, the Wisdom of a Legislator, and the Intrepidity of a Hero? When every Man thinks those Laws oppressive that oppose the Execution of his present Intentions, and considers every Magistrate as his Persecutor and Enemy?

‘ Laws, my Lords, suppose Reason; for who ever attempted to restrain any but Beasts by Force; and, therefore, those that propose the Promotion of publick Happiness which can be produced only by an exact Conformity to good Laws, ought to endeavour to preserve what may properly be called the publick Reason. They ought to prevent a general Depravation of the Faculties of those whose Benefit is intended, and whose Obedience is required; they ought to take Care that the Laws may be known, for how else can they be observed? And how can they be known, or at least, how can they be remembered in the Heats of Drunkenness?

‘ That the Laws are universally neglected and defied among the lower Class of Mankind, among those whose Want of the Lights of Knowledge and Instruction makes positive and compulsory Directions more necessary for the Regulation of their Conduct, is apparent from the \* Representation of the Magistrates, in which the general Disorders of this great City, the open Wickedness, the daring Insolence, and unbounded Licentiousness of the common People, is very justly described.

‘ Their Wickedness and Insolence, my Lords, is indeed such

\* The Remonstrances of the Justices of Peace for Westminster, against the Use of Spirituous Liquors, Anno 1736.

such, that Order is almost at an End, Rank no longer confers Respect, nor does Dignity afford Security. The same Confidence produces Insults and Robberies; and that Insensibility with which Debauchery arms the Mind equally against Fear and Pity aggravates the Guilt of Robbery with greater Crimes; those who are so unhappy as to fall into the Hands of Thieves, heated by Spirits into Madmen, seldom escape without suffering greater Cruelties than the Loss of Money.

‘ How the Use of these poisonous Draughts quickly debilitates the Limbs, and destroys the Strength of the Body; how far this may impair our Manufactures, weaken our Armies, and diminish our Commerce; how it may reduce our Fleets to an empty Show, and enable our Enemies to triumph in the Field, or our Rivals to supplant us in the Market; can scarcely, my Lords, come under Consideration, when we reflect how Debauchery operates upon the Morals.

‘ It is happy, my Lords, that those who are inclined to Mischief, are disabled in a short Time from executing their Intentions, by the same Causes which excite them. It is happy, my Lords, that what is thus violent, cannot be lasting, that those Lives which are employed in Mischief, are generally short, and that since it is the Quality of this malignant Liquor to corrupt the Mind, it likewise destroys the Body.

‘ But this Effect, my Lords, is not constant or regular. Men sometimes continue for many Years to supply the Expences of Drunkenness by Rapine, and to exasperate the Fury of Rapine by Drunkenness; and, therefore, tho’ there could be any one so regardless of the Happiness of Mankind, as to look, without Concern, upon them who thus hurry themselves to the Grave, he may yet be incited by his own Interest to prevent the Progress of this Practice; a Practice which tends to the Subversion of all Order in Society. It is well known, my Lords, that publick Happiness must be in a stated Proportion to publick Virtue; that mutual Trust is the Cement of Society, and that no Man can be trusted but as he is reputed honest. To promote Trust, my Lords, is the apparent Tendency of all Laws. When the Ties of Morality are enforced by penal Sanctions, Men are more afraid to violate them, and, therefore, are trusted with less Danger; but when they no longer fear the Law, they are to be restrained only by their Consciences; and if neither Law nor Conscience has any Influence upon their Conduct, they are only a Herd of wild Beasts, let loose to prey upon each other.

‘ Thus, my Lords, will all Authority cease, Property  
will

An. 16. Geo. II. will become dangerous to him that possesses it, and Confusion will overspread the whole Community ; nor can it be easily conceived, by the most extensive Comprehension, how far the Mischiefs may spread, or where the Chain of destructive Consequences will end.

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‘ If we consider our Fleet or our Army, my Lords, it is apparent, that neither Obedience nor Fidelity can be expected from Men upon whom all the Ties of Morality, and all the Sanctions of Law have lost their Influence ; they will mutiny without Fear, and desert without Scruple, and upon the least Provocation, turn upon those by whom they ought to be governed.

‘ But Drunkenness, my Lords, not only corrupts Men, by taking away the Sense of those Restraints by which they are generally kept in Awe, and withheld from the Perpetration of Villanies, but by superadding the Temptations of Poverty ; Temptations not easily to be resisted, even by those whose Eyes are open to the Consequences of their Actions, and which, therefore, will certainly prevail over those whose Apprehensions are laid asleep, and who never extend their Views beyond the Gratification of the present Moment.

‘ Drunkenness, my Lords is the Parent of Idleness ; for no Man can apply himself to the Business of his Trade, when he is drunk. Part of his Time is spent in jollity, and Part in Imbecillity ; when he is amidst his Companions he is too gay to think of the Consequences of neglecting his Employment ; and when he has overburthened himself with Liquor, he is too feeble and too stupid to follow it.

‘ Poverty, my Lords, is the Offspring of Idleness, as Idleness of Drunkenness ; the Drunkard’s Work is little, and his Expences are great ; and, therefore, he must soon see his Family distressed, and his Substance reduced to nothing ; and, surely, my Lords, it needs not much Sagacity to discover what will be the Consequence of Poverty produced by Vice.

‘ It is not to be expected, my Lords, that a Man thus corrupted will be warned by the Approach of Misery ; that he will recollect his Understanding, and awaken his Attention ; that he will apply himself to his Business with new Diligence ; endeavour to recover, by an Increase of Application, what he has lost by Inattention ; and make the Remembrance of his former Vices, and the Difficulties and Diseases which they brought upon him, an Incitement to his Industry, a Confirmation of his Resolution, and a Support to his Virtue.

‘ That

‘ That this is indeed possible, I do not intend to deny; but the bare Possibility of an Event so desirable, is the utmost that can be admitted: For it can scarcely be expected, that any Man should be able to break through all the Obstacles that will obstruct his Return to Honesty and Wisdom; his Companions will endeavour to continue the insatiable Amusements which have so long deluded him; his Appetite will assist their Solicitations, the Desire of present Ease, by which all Mankind are sometimes led aside from Virtue, will operate with unusual Strength; since to retrieve his Misconduct, he must not only deny himself the Pleasure which he has so long indulged, but must bear the full View of his Distress, from which he will naturally turn aside his Eyes. The general Difficulty of Reformation will incline him to seek for Ease by any other Means, and to delay that Amendment which he knows to be necessary, from Hour to Hour, and from Day to Day, till his Resolutions are too much weakened to prove of any Effect, and his Habits confirmed beyond Opposition.

‘ At length Necessity, immediate Necessity, presses upon him; his Family is made clamorous by Want, and his Calls of Nature and of Luxury are equally importunate; he has now lost his Credit in the World, and none will employ him because none will trust him; or Employment cannot immediately be perhaps obtained, because his Place has for a long Time been supplied by others. And even if he could obtain a Re-admission to his former Business, his Wants are now too great and too pressing to be supplied by the slow Methods of regular Industry; he must repair his Losses by more efficacious Expedients, and must find some Methods of Acquisition, by which the Importunity of his Creditors may be satisfied.

‘ Industry is now, by long Habits of Idleness, become almost impracticable; his Attention having been long amused by pleasing Objects, and dissipated by Jollity and Merriment, is not readily recalled to a Task which is unpleasing, because it is enjoined; and his Limbs enervated by hot and strong Liquors, of the most pernicious Kind, cannot support the Fatigues necessary in the Practice of his Trade. What was once wholesome Exercise is now unsupportable Fatigue; and he has not now Time to habituate himself by Degrees to that Application which he has so long intermitted.

‘ In this State, my Lords, he easily persuades himself, that his Condition is desperate, that no legal Methods will relieve him; and that therefore he has nothing to hope but from the Efforts of Despair. These Thoughts are quickly con-

An. 16. Geo. II. confirmed by his Companions, whom the same Misconduct  
 1742. has reduced to the same Distress, and who have already tried the Pleasures of being supported by the Labour of others. They do not fail to explain to him the Possibility of sudden Affluence, and at worst to celebrate the Satisfaction of short-liv'd Merriment. He therefore engages with them in their nocturnal Expeditions ; an Association of Wickedness is formed, and that Man who, before he tasted this insatiable Liquor, contributed every Day by honest Labour to the Happiness or Convenience of Life, who supported his Family in decent Plenty, and was himself at Ease, becomes at once miserable and wicked ; he is detested as a Nuisance by the Community, and hunted by the Officers of Justice ; nor has Mankind any Thing now to wish or hope with regard to him, but that by his speedy Destruction, the Security of the Roads may be restored, and the Tranquillity of the Night be freed from the Alarms of Robbery and Murder.

‘ These, my Lords, are the Consequences which necessarily ensue from the Use of those pernicious, those insatiable Spirits, which have justly alarmed every Man whom Pleasure or Sloth has not wholly engrossed, and who has ever looked upon the various Scenes of Life with that Attention which their Importance demand.

‘ Among these, my Lords, the Clergy have distinguished themselves by a zealous Opposition to this growing Evil, and have warned their Hearers with the warmest Concern against the Misery and Wickedness which must always be the Attendants or the Followers of Drunkenness. One among them, whose Merit has raised him to a \* Seat in this august Assembly, and whose Instructions are enforced by the Sanctity of his Life, in a very pathetic Manner laments that so much Art and Skill have been used of late Years to make Drunkenness the cheapest of all Vices. This Remark is in his excellent Discourse on the Infirmary of this City, where he has observed with too much Justness, that the lowest of the People are therefore universally infected with this Vice, and that Necessity itself is become luxurious.

*Here his Lordship read the Representation of the College of Physicians in the Year 1736, and the following Preamble to the Act of the 9th of his present Majesty, viz.*

‘ Whereas the drinking of Spirituous Liquors or Strong Waters is become very common, especially among the People of lower and inferior Rank, the constant and excessive Use  
 ‘ whereof

\* Dr THOMAS SHERLOCK, Bishop of Salisbury, in his Sermon for the Benefit of the Westminster Infirmary.

*‘ whereof tends greatly to the Destruction of their. Healths, rendering them unfit for useful Labour and Business, debauching their Morals, and inciting them to perpetrate all Vices ; and the ill Consequences of the excessive Use of such Liquors are not confined to the present Generation, but extend to future Ages, and tend to the Devastation and Ruin of this Kingdom : For Remedy thereof may it please Your most excellent Majesty, &c.’*

An. 16. Geo. II.

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Then his Lordship went on to the following Effect :

*My Lords,*

‘ Many other Authorities might be produced, and some others I have now in my Hand, but the Recital of them would waste the Day to no Purpose, for surely it is not necessary to shew by a long Deduction of Authorities the Guilt of Drunkenness, or to prove that it weakens the Body or that it depraves the Mind ; that it makes Mankind too feeble for Labour, too indolent for Application, too stupid for Ingenuity, and too daring for the Peace of Society.

‘ This surely, my Lords, is therefore a Vice, which ought with the utmost Care to be discouraged by those whose Birth or Station has conferred upon them the Province of watching over the publick Happiness ; and which surely no Prospect of present Advantage, no Arguments of political Convenience, will prevail upon this House to promote.

‘ That the natural and evident Tendency of this Bill is the Propagation of Drunkenness cannot be denied, when it is consider’d, that it will encrease the Temptations to it by making that Liquor, which is the Favourite of the common People, more common, by multiplying the Places at which it is sold ; so that none can want an Opportunity of yielding to any sudden Impulse of his Appetites, which will solicit him more powerfully and more incessantly as they are more frequently and more easily gratified.

‘ In Defence of a Bill like this, my Lords, it might be expected, that at least many specious Arguments should be offered. It may be justly hoped that no Man will rise up in Opposition to all Laws of Heaven and Earth, to the Wisdom of all Legislators, and the Experience of every human Being ; without having formed such a Train of Arguments as will not easily be disconcerted, or having formed, at least, such a Chain of Sophistry as cannot be broken but with Difficulty.

‘ And yet, my Lords, when I consider what has been offered by all who have hitherto appeared either in public Assemblies, or in private Conversation, as Advocates for this Bill

An. 16. Geo. II. Bill,

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I can scarcely believe, that they perceive themselves any Force in their own Arguments ; and am inclined to conclude, that they speak only to avoid the Imputation of being able to say nothing in Defence of their own Scheme ; that their Hope is not to convince by their Reasons, but to overpower by their Numbers ; that they are themselves influenced not by Reason but by Necessity ; and that they only encourage Luxury, because Money is to be raised for the Execution of their Schemes ; and they imagine, that the People will pay more cheerfully for Liberty to indulge their Appetites, than for any other Enjoyment.

‘ The Arguments which have been offered, my Lords, in Vindication of this Bill, or at least which I have hitherto heard, are only two, and those two so unhappily associated, that they destroy each other ; whatever shall be urged to enforce the second, must in the same Proportion invalidate the first, and whoever shall assert that the first is true, must admit that the second is false.

‘ These Positions, my Lords, the unlucky Positions which are laid down by the Defenders of this pernicious Bill, are, that it will supply the Necessities of the Government with a very large standing Revenue, on the Credit of which, strengthened by the additional Security of the Sinking Fund, a Sum will be advanced sufficient to support the Expences of a Foreign War ; and that at the same Time it will lessen the Consumption of the Liquors from whence this Duty is to arise.

‘ By what Arts of political Reasoning these Propositions are to be reconciled, I am not able to discover. It appears evident, my Lords, that large Revenues can only be raised by the Sale of large Quantities ; and that larger Quantities will in reality be sold, as the Price is little or nothing raised and the Venders are greatly encreased.

‘ If this will not be the Effect, my Lords, and if this Effect is not expected, why is this Bill proposed as sufficient to raise the immense Sums which our present Exigencies require. Can Duties be paid without Consumption of the Commodity on which they are laid ; and is there any other Use of Spirituous Liquors than that of drinking them ?

‘ Surely, my Lords, it is not expected, that any Arguments should be admitted in this House without Examination ; and yet it might be justly imagined, that this Assertion could only be offered in full Confidence of an implicit Reception, and this Tenet be proposed only to those who had resigned their Understandings to the Dictates of the Ministry ; for it is implied in this Position, that the Plenty of a Commodity diminishes

diminishes the Demand for it ; and that the more freely it is sold the less it will be bought. It implies, that Men will lay voluntary Restraints upon themselves, in Proportion as they are indulged by their Governors ; and that all prohibitory Laws tend to the Promotions of the Practices which they condemn ; it implies, that a Stop can only be put to Fornication by encreasing the Number of Prostitutes, and that Theft is only to be restrained by leaving your Doors open.

An. 16. Geo. II.  
1742.

‘ I am for my Part convinced, that Drunkards as well as Thieves are made by Opportunity ; and that no Man will deny himself what he desires, merely because it is allow’d him by the Laws of his Country.

‘ This, my Lords, is so evident, that I shall no longer dwell upon the Assertion, that the unbounded Liberty of retailing Spirits will make Spirits less used in the Nation : But shall examine the second Argument, and consider how far it is possible or proper to raise Supplies by a Tax upon Drunkenness.

‘ That large Sums will be raised by the Bill, to which the Consent of your Lordships is now required, I can readily admit ; because the Consumption of Spirits will certainly be greater, and the Licences taken for retailing them so numerous, that a much lower Duty than is proposed will amount yearly to a very large Sum ; for if the Pleasure of Drunkenness can be more cheaply obtained by buying Spirits than Ale, when both are to be found at the same Place, it is easy to see which will be preferred ; this Argument therefore is irrefragable, and may be urged in Favour of the Bill without Danger of Confutation.

‘ But, my Lords, it is the Business of Governors not so much to drain the Purses as to regulate the Morals of the People ; not only to raise Taxes, but to levy them in such a Manner as may be least burthensome ; and to apply them to Purposes which may be most useful, not to raise Money by corrupting the Nation, that it may be spent in enslaving it.

‘ It has been mentioned by a very celebrated Writer \*, as a rational Practice in the Exercise of Government, to tax such Commodities as were abused to the Encrease of Vice, that Vice may be discouraged by being made more expensive ; and thereby the Community in Time be set free from it : But the Tax which is now proposed, my Lords, is of a different Kind ; it is a Tax laid upon Vice indeed, but it is to arise from the Licences granted to Wickedness ; and its Consequences must be the Encrease of Debauchery, not the Restraining it.

\* Dr Davenant, in his Essay on Ways and Means.



An. 16. Geo. 11.

1742.

straint. It is a Tax which will be readily paid, because it will be little felt ; and because it will be little felt, it is hoped that Multitudes will subject themselves to it.

‘ The Act which is now to be repealed, was indeed of a very different Nature, though perhaps not free from very just Objections. It had this Advantage at least, that so far as it was put in Execution, it obstructed Drunkenness ; nor has the Examination of the Officers of Excise \* discovered any Imperfection in the Law ; for it has only failed because it was timorously or negligently executed.

‘ Why it was not vigorously and diligently enforced, I have never yet been able to discover. If the Magistrates were threatened by the Populace, the Necessity of such Laws was more plainly proved ; for what justifies the Severity of Coercion but the Prevalence of the Crime ? And what may not be feared from Crowds intoxicated with Spirits, whose Insolence and Fury is already such that they dare to threaten the Government by which they are debarred the Use of them ?

‘ This, my Lords, is a Reflection that ought not to be passed slightly over. The Nature of our Constitution, happy as it is, must be acknowledged to produce this Inconvenience, that it inclines the common People to Turbulence and Sedition ; the Nature of Spirituous Liquors is such that they inflame these Dispositions already too much predominant, and yet the Turbulence of the People is made a Reason for licensing Drunkenness, and allowing without Limitation the Sale of those Spirits by which that Turbulence must be certainly encreased !

‘ It may be perhaps urged, (for indeed I know not what else can be decently alledg’d) that there is a Necessity of raising Money ; that no other Method can be invented ; and that therefore this ought not to be opposed.

‘ I know, my Lords, that Ministers generally consider as the Test of each Man’s Loyalty the Readiness with which he concurs with them in their Schemes for raising Money ; and that they think all Opposition to these Schemes which are calculated for the Support of the Government, the Effect of a criminal Disaffection ; that they always think it a sufficient Vindication of any Law, that it will bring in very large Sums ; and that they think no Measures pernicious, nor Laws dangerous, by which the Revenue is not impaired.

‘ If Government was instituted only to raise Money, these ministerial Schemes of Policy would be without Exception ; nor could it be denied that the present Ministers shew themselves by this Expedient uncommon Masters of their Profession.

\* See before, p. 144.

Profession. But the End of Government is only to promote An. 16. Geo. II. Virtue, of which Happiness is the Consequence ; and therefore to support Government by propagating Vice, is to support it by Means which destroy the End for which it was originally established, and for which alone its Continuance is to be desired.

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‘ If Money, therefore, cannot be raised but by this Bill ; if the Expences of the Government cannot be defrayed but by corrupting the Morals of the People ; I shall without Scruple declare, that Money ought not to be raised, nor the Designs of the Government supported ; because the People can suffer nothing from the Failure of publick Measures, or even from the Dissolution of the Government itself, which will be equally to be dreaded or avoided with an universal Depravity of Morals. Even the Infolence of a Foreign Conqueror can inflict nothing more severe than the Diseases which Debauchery produces ; nor can any Thing be feared from the Disorders of Anarchy more calamitous than the Miseries which must ensue to each Individual from universal Wickedness.

‘ Such, my Lords, is the Expedient by which we are now about to raise the Supplies for the present Year ; and such is the new Method of Taxation which the Sagacity of our Ministers has luckily discovered. A Foreign War is to be supported by the Destruction of our People at home ; and the Revenue of the Government to be improved by the Decay of our Manufactures. We are to owe henceforward our Power to epidemical Diseases, our Wealth to the Decline of our Commerce and our Security to Riot and to Tumult.

‘ There is yet another Consideration, my Lords, which ought well to be regarded, before we suffer this Bill to pass, Many Laws are merely experimental, and have been made, not because the Legislature thought them indisputably proper, but because no better could at that Time be struck out ; and because the Arguments in their Favour appeared stronger than those against them, or because the Questions to which they related were so dark and intricate, that nothing was to be determined with Certainty, and no other Method could, therefore, be followed, but that of making the first Attempts at hazard, and correcting those Errors, or supplying those Defects which might hereafter be discovered by those Lights which Time should afford.

‘ Though I am far from thinking, my Lords, that the Question relating to the Effects of this Law, is either doubtful or obscure ; though I am certain that the Means of reforming the Vice which its Advocates pretend it designed to prevent,

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prevent, are obvious and easy ; yet I should have hoped, that the Projectors of such a Scheme would have allowed at least the Uncertainty of the salutary Effects expected from it ; and would therefore have made some Provision for the Repeal of it, when it should be found to fail.

‘ But, my Lords, our Ministers appear to have thought it sufficient to endear them to their Country, and immortalize their Names, that they have invented a new Method of raising Money, and seem to have very little Regard to any Part of the Art of Government : They will at least in their own Opinion have deserved Applause, if they leave the publick Revenue greater ; by whatever Diminution of the publick Virtue.

‘ They have, therefore, my Lords, wisely contrived a Necessity of continuing this Law, whatever may be its Consequences, and how fatal soever its Abuses ; for they not only mortgage the Duties upon Spirits for the present Supply, but substitute them in the Place of another Security given to the Bank by the Pet-Act ; and therefore since it will not be easy to form another Tax of equal Produce, we can have very little Hope that this will be remitted.

‘ There will be indeed only one Method of setting the Nation free from the Calamities which this Law will bring upon it ; and as I doubt not but that Method will at last be followed, it will certainly deserve the Attention of your Lordships, as the third Consideration to which in our Debates on this Bill particular Regard ought to be paid.

‘ That the Licence of Drunkenness, and the unlimited Consumption of Spirituous Liquors will fill the whole Kingdom with Idleness, Diseases, Riots, and Confusion, cannot be doubted ; nor can it be questioned, but that in a very short Time the Parliament will be crowded with Petitions from all the trading Bodies in the Kingdom for the Regulation of Servants, for the Extinction of Riot, and for the Removal of irresistible Temptations to Idleness and Fraud. These Representations may be for a Time neglected, but must soon or late be heard ; the Ministers will be obliged to repeal this Law for the same Reason that induced them to propose it. Idleness and Sickness will impair our Manufactures, and the Diminution of our Trade will lessen the Revenue.

‘ They will then, my Lords, find that their Scheme, with whatever Prospects of Profit it may now flatter them, was formed with no extensive Views, and that it was only the Expedien. of political Avarice, which sacrificed a greater distant Advantage to the immediate Satisfaction of present Gain. They will find that they have corrupted the People without obtaining any Advantage by their Crime, and that  
they

they must have Recourse to some new Contrivance by which An. 16. Geo. II.  
their own Errors may be retrieved.

‘ In this Diltrefs, my Lords, they can only do what indeed they now seem to design ; they can only repeal this Act by charging the Debt, which it has enabled them to contract, upon the Sinking Fund, upon that sacred Deposit which was for a Time supposed unalienable, and from which arose all the Hopes that were sometimes formed by the Nation of being delivered from that Load of Imposts, which it cannot much longer support. They can only give Security for this new Debt by disabling us for ever from paying the former.

‘ The Bill now before us, my Lords, will therefore be equally pernicious in its immediate and remoter Consequences ; it will first corrupt the People and destroy our Trade, and afterwards intercept that Fund which is appropriated to the most useful and desirable of all political Purposes, the gradual Alleviation of the publick Debt.

‘ I hope, my Lords, that a Bill of this portentous Kind, a Bill big with innumerable Mischiefs, and without one beneficial Tendency, will be rejected by this House, without the Form of Commitment ; that it will not be the Subject of a Debate amongst us, whether we shall consent to poison the Nation ; and that instead of enquiring, whether the Measures which are now pursued by the Ministry ought to be supported at the Expence of Virtue, Tranquillity and Trade, we should examine, whether they are not such as ought to be opposed for their own Sake, even without the Consideration of the immense Sums which they apparently demand.

‘ I am indeed of Opinion, that the Success of the present Schemes will not be of any Benefit to the Nation, and that there is very little Prospect of Success. I am at least convinc’d that no Advantage can countervail the Mischiefs of this detestable Bill ; which therefore I shall steadily oppose, though I have already dwelt upon this Subject perhaps too long ; yet, as I speak only from an unprejudic’d Regard to the Publick, I hope if any new Arguments shall be attempted, that I shall be allow’d the Liberty of making a Reply.’

Lord Bathurst\* spoke next to the following Purport.

*My Lords,*

‘ I doubt not but the noble Lord has deliver’d on this Oc-  
casion his real Sentiments ; and that in his Opinion the Happiness of our Country, the Regard which ought always to be paid to the Promotion of Virtue, require that this Bill should be rejected. I am far from suspecting that such an Appearance

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\* Captain of the Band of Gentlemen Pensioners.

An. 16. Geo. II. 1742. {ance of Zeal can conceal any private Views, or that such pathetick Exclamations can proceed but from a Mind really affected with honest Anxiety.

X. ' This Anxiety, my Lords, I shall endeavour to dissipate, before it has been communicated to others ; for I think it no less the Duty of every Man who approves the publick Measures to vindicate them from Misrepresentation, than of him to whom they appear pernicious or dangerous to warn his Fellow Subjects of that Danger.

' I, my Lords, am convinced, that the Bill now before us which has been censured as fundamentally wrong, is in reality fundamentally right ; that the End which is proposed by it is just, and the Means which are prescribed in it will accomplish the Purpose for which they were contriv'd.

' The End of this Bill, my Lords, is to diminish the Consumption of distill'd Spirits ; to restrain the Populace of these Kingdoms from a Liquor which when used in Excess has a Malignity to the last Degree dangerous, which at once impairs the Force of the Understanding, and destroys the Vigour of the Body ; and to attain this, I think it absolutely right to lay a Tax upon these Liquors.

' Of the Vice of Drunkenness, my Lords, no Man has a stronger Abhorrence than myself ; of the pernicious Consequences of these Liquors which are now chiefly used by the common People, no Man is more fully convinced ; and therefore none can more zealously wish that Drunkenness may be suppress'd, and distill'd Spirits withheld from the People.

' The Disorders mentioned by the noble Lord, are undoubtedly the Consequences of the present Use of these Liquors, but these are not its worst Effects. The Offenders against the Law may by the Law be sometimes reclaimed, and at other Times cut off ; nor can these Practices, however injurious to particular Persons, in any great Degree impair the general Happiness. The worst Effects therefore of the Use of Spirits, are the Idleness and Extravagance which it has introduced among the common People, by which our Commerce must be obstructed, and our present Riches and Plenty every Day diminished.

' This pernicious Practice, my Lords, is disseminated farther than could be reasonably believed by those whose Interest has not incited, or Curiosity induc'd them, to enquire into the Practice of the different Classes of Men. It is well known that the Farmers have been hitherto distinguished by the Virtues of Frugality, Temperance and Industry ; that they laboured hard and spent little, and were therefore justly

ly consider'd as an innocent and useful Part of the Community, whose Employment and Parsimony preserved them in a great Measure from the general Infection of Vice which spread its Influence among the Traders and Men of Estates.

An. 16. Geo. II.  
1742.

‘ But even this abstemious Class of Men, my Lords, have of late relaxed their Frugality, and suffered themselves to be tempted by this infatuating Liquor ; nor is any Thing now more common than to find it in those Houses in which Ale, a few Years ago, was the highest Pitch of Luxury to which they aspired, and to see those Hours wasted in intoxicating Entertainments, which were formerly dedicated wholly to the Care of their Farms, and the Improvement of their Fortunes.

‘ Thus, my Lords, it appears, that the Corruption is become universal, and therefore that some Remedy ought to be attempted ; nor can I conceive any Measures more consistent with Justice, or more likely to produce the End intended by them, than those which are now offered to your Consideration, by which the Liquor will be made dearer, too dear to be lavishly drank by those who are in most Danger of using it to Excess, and the Number of those who retail it will be diminished by the Necessity of taking a Licence, and of renewing them every Year at the same Expence.

‘ The Inefficacy, my Lords, of violent Methods, and the Impossibility of a total Deprivation of any Enjoyment which the People have by Custom made familiar and dear to them, sufficiently appears from the Event of the Law, which is now to be repealed. It is well known that by that Law, the Use of Spirituous Liquors was prohibited to the common People, that Retailers were deterred from vending them by the utmost Encouragement that could be given to Informers, and that Discoveries were incited by every Art that could be practised, and Offenders punished with the utmost Rigour.

‘ Yet, what was the Effect, my Lords, of all this Diligence and Vigour ? A general Panic suppress'd, for a few Weeks, the Practice of selling the prohibited Liquors ; but in a very short Time Necessity forced some, who had nothing to lose, to return to their former Trade ; these were suffered sometimes to escape, because nothing was to be gained by informing against them ; and others were encouraged by their Example to imitate them, though with more Secrecy and Caution ; of those indeed many were punished, but many more escaped ; and such as were fined often found the Profit greater than the Loss.

‘ The Prospect of raising Money by detecting their Practices

An. 16. Geo. II. 1742. tices, incited many to turn Information into Trade ; and the Easiness of proving the Crime encouraged some to gratify their Malice by Perjury, and others their Avarice ; so that the Multitude of Informations became a publick Grievance, and the Magistrates themselves complained that the Law was not to be executed.

‘ The Perjuries of Informers were now so flagrant and common, that the People thought all Informations malicious ; or at least, thinking themselves oppress’d by the Law, they looked upon every Man that promoted its Execution as their Enemy ; and therefore now began to declare War against Informers, many of whom they treated with great Cruelty, and some they murdered in the Streets.

‘ By their Obstinacy they at last wearied the Magistrates, and by their Violence they intimidated those who might be inclined to make Discoveries ; so that the Law, however just might be the Intention with which it was enacted, or however seasonable the Methods prescrib’d by it, has been now for some Years totally disused ; nor has any one been punished for the Violation of it, because no Man has dared to offer Informations. Even the Vigilance of the Magistrates has been oblig’d to connive at these Offences, nor has any Man been found willing to engage in a Task, at once odious and endless ; or to punish Offences which every Day multiplied, and in which the whole Body of the common People, a Body very formidable when united, was universally engaged.

‘ The Practice, therefore, of vending and of drinking distill’d Spirits, has prevailed for some Time without Opposition ; nor can any Man enter a Tavern or an Ale-house in which they will be denied him, or walk along the Streets without being incited to drink them at every Corner ; they have been sold for several Years, with no less Openness and Security than any other Commodity ; and whoever walks in this great City, will find his Way very frequently obstructed by those who are selling these pernicious Liquors to the greedy Populace ; or by those who have drank them till they can’t move any farther.

‘ But the strongest Proof of the Inefficacy of the Law, and consequently of the Necessity of another which may not be so easily eluded or so violently resisted, is given by the Papers which lie upon the Table. From these it appears that the Quantity of Spirits distill’d, has increased from Year to Year to the present Time ; and therefore that Drunkenness is become more prevalent, and the Reasons for repressing it more urgent than ever before.

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‘ Let us therefore calmly consider, my Lords, what can in this Exigence be done. That the People should be allow’d to poison themselves and their Posterity without Restraint, is certainly not the Intent of any good Man ; and therefore we are now to consider how it may be prevented. That the People are infected with the Vice of Drunkenness, that they debauch themselves chiefly with Spirituous Liquors, and that those Liquors are in a high Degree pernicious, is confessed both by those who oppose the Bill, and those who defend it ; but with this Advantage on the Part of those that defend it, that they only propose a probable Method of reforming the Abuses which they deplore. I know that the warm Repentment, which some Lords have on former Occasions express’d against the Disorders which distill’d Liquors are supposed to produce, may naturally incline them to wish, that they were totally prohibited ; and that this Liquid Fire, as it has been termed, were to be extinguish’d for ever.

An. Geo. 16. II.  
1742.

‘ Whether such Wishes are not more ardent than rational, whether their Zeal against the Abuse of Things, indifferent in themselves, has not, as has often happened in other Cases, hurried them into an indiscreet Censure of the lawful Use, I shall not now enquire ; because it is superfluous to dispute about the Propriety of Measures, of which the Possibility may be justly questioned.

‘ The last Act, my Lords, was of this Kind ; the Duties established by it were so high, that they wholly debarred the lower Classes of the People from the Liquor on which they were laid ; and therefore it was found, by a very short Experience, that it was impossible to preserve it from Violation ; that there would be no End of punishing those who offended against it ; and that Severity produc’d rather Compassion than Terror. Those who have suffered the Penalties were consider’d as Persons under unjust Persecution, whom every one was obliged by the Ties of Humanity to encourage, reward, and protect ; and those who inform’d against them or encouraged Informations, were detested as the Oppressors of the People. The Law had indeed this Effect, that it debarred, at least for a short Time, all those from retailing Spirits, who liv’d in Reputation ; and therefore encouraged others to vend them in private Places, where they were more likely to be drank to Excess.

‘ Having therefore made Trial of violent and severe Methods, and had an Opportunity of obtaining a full Conviction of their Inefficacy, it is surely proper to profit by our Experience, by that Experience which shews us that the Use



An. 16. Geo. II. of distill'd Liquors under its present Discouragements, has  
 1742. every Year increased ; and therefore proves at once the Unprofitableness of the Law now in Force, and the Necessity of some other by which the same Purposes may be more certainly promoted.

The Reformation of a Vice so prevalent, must be slow and gradual ; for it is not to be hop'd, that the whole Bulk of the People will at once be divest'd of their Habits ; and therefore it will be rational to endeavour not wholly to debar them from any Thing in which, however absurdly, they place their Happiness, but to make the Attainment of it more and more difficult, that they may insensibly remit their Ardour and cease from their Pursuit.

This, my Lords, is propos'd in the present Bill, which by the Duties which are to be laid upon distill'd Spirits, will raise the Price a third Part, and as it is reasonable to expect, hinder a third Part of the Consumption ; for it is observ'd, that those who drink them set no Limits to their Excesses, but indulge their Appetites to the utmost of their Power. If he therefore who us'd to spend Three-pence a Day in Spirits, can now have no more than could formerly be bought for Two-pence, he must necessarily content himself with only two thirds of the Quantity which he has hitherto drank ; and therefore must by Force, though perhaps not by Inclination, be less intemperate.

It is not to be doubted, my Lords, but that Spirits will, by this additional Duty, be made one third Part dearer ; for it has been hitherto observ'd, that Retailers levy upon the Buyer twice the Duty that is paid to the Government, as is every Day apparent in other Commodities ; so that the yearly Quantity of Spirits which is usually distill'd will cost five hundred thousand Pounds more than before ; a Tax which, I suppose, those who are charg'd with this Kind of Debauchery will not be thought able to pay, and which yet must be paid by them, unless they will be content with a less Quantity.

That Spirits will now be sold in every publick House, of whatever Denomination, has been I believe justly assert'd ; but the Assertion has not been properly urg'd as an Argument against the Bill. One of the Circumstances which has contributed to the enormous Abuse of these Liquors, has been the Practice of retailing them in obscure Places by Persons without Character and without Money ; who, therefore, neither feared Penalties nor Infamy, and offended against Law and Decency with equal Security. But when the Cheapness of Licences shall make it convenient for every Man that  
 pleases

pleases to retail Spirits in a publick Manner, they will be generally drank in Houses visited by publick Officers, observ'd by the neighbouring Inhabitants, and frequented by Persons of Morals and Civility, who will always endeavour to restrain all enormous Excesses, and oblige the Masters of the Houses to pay some Regard to the Laws. Those whose Appetites are too importunate to be restrained, may then gratify them without being tempted to enter into Houses of Infamy, or mingling with Beggars, or Thieves, or Profligates; and, therefore, though the Use of Spirits should continue the same, its Consequences will be less fatal, since they may be had without the Necessity of associating with Wickedness.

An. 16. Geo. II.

1742.

But, my Lords, it is not improbable, that by this Bill the Number of Retailers, at least in this City, where they are most pernicious, may be lessened. It is well known, that the Reason for which they are sold in Cellars, and in the Streets, is the Danger of retailing them in other Places; and that if they were generally sold by those who could procure the best of each Sort, these petty Traders would be immediately undone; for it is reasonable to imagine, my Lords, that they buy the cheapest Liquors, and sell them at the dearest Rate.

When therefore reputable Houses shall be opened for the Sale of these Liquors, Decency will restrain some, and Prudence will hinder others from endangering their Health by purchasing those Liquors which are offered in the Street, and from hazarding their Morals, or perhaps their Lives, by drinking to Excess in obscure Places.

It is likewise to be remembered, my Lords, that many of those who now poison their Countrymen with petty Shops of Debauchery are not able to purchase a Licence, even at the cheap Rate at which it is now proposed; and that therefore they will be restrained from their Trade by a legal Inability; for it is not, my Lords, to be imagined, that they will be defended with equal Zeal by the Populace, when the Liquors may be had without their Assistance; nor will Information be equally infamous, when it is not the Act only of Profligates who pursue the Practice of it as a Trade, but of the proper Officers of every Place incited by the lawful Venders of the same Commodities, or of the Venders themselves who will now be numerous enough to protect each other, and whom their common Interest will incite against clandestine Dealers.

The Price of Licences therefore, appears to me very happily adjusted; had it been greater there would not have been a sufficient Number of lawful Retailers, to put a Stop to clandestine

A. n. 16. Geo. II. 1742. destine Sellers; and if it was lower, every petty Dealer in this Commodity might, by pretending to keep an Alehouse, continue the Practice of affording an Harbour to Thieves, and of propagating Debauchery.

‘ Thus, my Lords, it appears to me that the Bill will lessen the Consumption of these destructive Spirits, certainly in a great Degree, by raising the Price, and probably by transferring the Trade of selling them into more reputable Hands: What more can be done by human Care or Industry I do not conceive. To prohibit the Use of them is impossible; to raise the Price of them to the same Height with that of Foreign Spirits, is indeed practicable, but surely at this Time no eligible Method; for so general is this Kind of Debauchery, that no Degree of Expence would entirely suppress it; and as Foreign Spirits, if they were to be sold at the same Price, would always be prefer’d to our own, we should only send into other Nations that Money which now circulates among ourselves, and impoverish the People without reforming them.

‘ The Regulation provided by the Bill before us is therefore, in my Opinion, the most likely Method for recovering the antient Industry and Sobriety of the common People; and my Lords, I shall approve it till Experience has shewn it to be defective. I shall approve it not with a View of obtaining or securing the Favour of any of those who may be thought to interest themselves in its Success; but because I find some new Law for this Purpose indispensably necessary, and believe that no better can be contriv’d.

‘ We are now, my Lords, to contend with the Passions of all the common People. We are endeavouring to reform a Vice almost universal, a Vice which however destructive, is now no longer reproachful. We have tried the Force of violent Methods and found them unsuccessful; we are now therefore to treat the Vulgar as Children, with a Kind of artful Indulgence, and to take from them secretly and by Degrees what cannot be wholly denied them, without exasperating them almost to Rebellion.

‘ This is the first Attempt; and by this, if one third of the Consumption be diminish’d, we may next Year double the Duty, and by a new Augmentation of the Price, take away another third, and what will then be drank, will perhaps by the strictest Moralists be allowed to be rather beneficial than hurtful.

‘ By this gradual Procedure, we shall give those, who have accustom’d themselves to this Liquor, Time to reclaim their Appetites, and those that live by Distilling, Opportunities

ties of engaging in some other Employment; we shall remove the Dis temper of the Publick without any painful Remedies, and shall reform the People insensibly without exasperating or persecuting them.' An. 16. Geo. II.  
1742.

Then the Bishop of *Oxford* stood up and spoke as follows:

*My Lords,*

'As I am not yet convinc'd of the Expediency of the Bill now before us, nor can discover any Reason for believing, that the Advantages will countervail the Mischiefs which it will produce, I think it my Duty to declare, that I shall oppose it as destructive to Virtue, and contrary to the inviolable Rules of Religion.' Bishop of Oxon.

'It appears to me, my Lords, that the Liberty of selling Liquors, which are allowed to be equally injurious to Health and Virtue, will by this Law become general and boundless; for I can discover no Reason for doubting, but that the Purchasers will be multiplied by increasing the Numbers of the Venders: And as the Increase of the Sale of distilled Spirits, and the Propagation of all Kinds of Wickedness are the same; I must conclude that Bill to be destructive to the Publick by which the Sale of Spirits will be increased.

'It has been urged, that other more vigorous Methods have been tried, and that they are now to be laid aside, because Experience has shewn them to be ineffectual; because the People unanimously asserted the Privilege of Debauchery, opposed the Execution of Justice, and pursued those with the utmost Malice that offered Informations.

'I should think, my Lords, that Government approaching to its Dissolution, that was reduced to submit its Decrees to their Judgment who are chiefly accused of the Abuse of these Liquors; for surely when the lowest, the most corrupt Part, of the People have obtained such a Degree of Influence, as to dictate to the Legislature those Laws by which they expect to be governed, all Subordination is at an End.

'This, my Lords, I hope, I shall never see the State of my own Country: I hope I shall never see the Government without Authority to enforce Obedience to the Laws, nor have I, indeed, seen any such Weakness on this Occasion: The Opposition that was made, and the Discontent that was excited, were no greater than might be reasonably expected, when the Vice which was to be reformed was so enormously predominant; nor was the Effect of the Law less than any one who foresaw such Opposition might reasonably have conceived.

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An. 16. Geo. II.

1742.

‘ In this \* City alone there were, before the Commencement of that Law, fifteen hundred large Shops in which no other Trade was carried on than that of retailing these pernicious Liquors, in which no Temptation to Debauchery was forgotten; and, what cannot be mentioned without Horror, Back-rooms and secret Places were contrived for Receptacles of those who had drank, till they had lost their Reason and their Limbs; there they were crowded together till they recovered Strength sufficient to go away, or drink more.

‘ These pestilential Shops, these Storehouses of Mischief, will, upon the Encouragement which this Law will give them, be set open again; new Invitations will be hung out to catch the Eyes of Passengers, who will again be enticed with Promises of being made drunk for a Penny; and that universal Debauchery and astonishing Licentiousness which gave Occasion to the former Act will return upon us.

‘ It is to little Purpose, my Lords, that the Licences for selling distilled Spirits are to be granted only to those who profess to keep Houses for the Sale of other Liquors; since nothing will be more easy than to elude this Part of the Law. Whoever is inclined to open a Shop for the Retail of Spirits, may take a Licence for selling Ale; and the Sale of one Barrel of more innocent Liquors in a Year will entitle to dispense Poison with Impunity, and to contribute without Controul to the Corruption of Mankind.

‘ It is confessed, that since this Law was made, these Liquors have been sold only at Corners of the Streets, in petty Shops, and in private Cellars; and therefore it must be allowed, that if the Consumption has increased, it has at least increased less than if the free and open Sale had been permitted; for the Necessity of Secrecy is always a Restraint, and every Restraint must in some Degree obstruct any Practice, since those that follow it under Restraint would pursue it more vigorously, if that Restraint were taken away; and those that are now totally hindered, would at least be more strongly tempted by greater Liberty; and where the Temptation is more powerful, more will probably be overcome by it.

‘ But, my Lords, however the Law may in this crowded City have been eluded and defied; however Drunkenness may here have been protected by the Insolence which it produces, and Crimes have been sheltered by the Multitudes of Offenders, I am informed, that in Parts less populous, the Efficacy of the late Act never was denied; and that it has in many Parts rescued the People from the Miseries of Debauchery,

bauchery, and only failed in others by the Negligence of those to whom the Execution of it was committed. An. 16. Geo. II.  
1742.

‘ Negligently and faintly as it was executed, it did in Effect hinder many from pursuing this destructive Kind of Trade ; and even in the Metropolis itself, almost a total Stop was for a Time put to the Use of Spirits ; and had the Magistrates performed their Duty with Steadiness and Resolution, it is probable, that no Plea would have arisen in Favour of this Bill from the Inefficacy of the last.

‘ I cannot indeed deny, that the Multitude of false Informers furnished the Magistrates with a very specious Pretence for relaxing their Vigilance ; but it was only, my Lords, a specious Pretence, not a warrantable Reason ; for the same Diligence should have been used to punish false Informers, as clandestine Retailers ; the Traders in Poison and in Perjury should have been both pursued with incessant Vigour, the Sword of Justice should have been drawn against both, nor should it have been laid aside, till both Species of Wickedness had been exterminated.

‘ In the Execution of this, as of other penal Laws, my Lords, it will be always possible for the Judge to be misled by false Testimonies ; and therefore the Argument, which false Informations furnish, may be used against every other Law where Information is encouraged. Yet, my Lords, it has been long the Practice of this Nation to incite Criminals to detect each other ; and when any enormous Crime is committed to proclaim at once Pardon and Rewards to him that shall discover his Accomplices. This, my Lords, is an apparent Temptation to Perjury ; and yet no Inconveniences have arisen from it, that can reasonably induce us to lay it aside.

‘ Perjury may in the Execution of this Law be detected by the same Means as on other Occasions ; and whenever it is detected ought to be rigorously punished. And I doubt not but in a short Time the Difficulties and Inconveniences, which are asserted in the Preamble of this Bill to have attended the putting the late Act in Execution, would speedily have vanished, the Number of Delinquents would have been every Day lessened, and the Virtue and Industry of the Nation would have been restored.

‘ It is not indeed asserted, that the Execution of the late Act was impossible ; but that it was attended with Difficulties ; and when, my Lords, was any Design of great Importance effected without Difficulties ? It is difficult, without doubt, to restrain a Nation from Vice ; and to reform a Nation already corrupted is still more difficult : But as both, however

An. 16. Geo. II. however difficult, are necessary, it is the Duty of Government to endeavour them, till it shall appear that no Endeavours can succeed.

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‘ For my Part, my Lords, I am not easily persuaded to believe that Remissness will succeed, where Assiduity has failed ; and therefore if it be true, as is supposed in the Preamble, that the former Act was ineffectual by any Defects in itself, I cannot conceive that this will operate with greater Force. I cannot imagine that Appetites will be weakened by lessening the Danger of gratifying them ; or that Men, who will break down the Fences of the Law to possess themselves of what long Habits have, in their Opinion, made necessary to them, will neglect it, merely because it is laid in their Way.

‘ With regard to this Act, my Lords, it is to be enquired, whether it is likely to be executed with more Diligence than the former, and whether the same Obstacles may not equally obstruct the Execution of both.

‘ The great Difficulty of the former Method, a Method certainly in itself reasonable and efficacious, arose from the Necessity of receiving Informations from the meanest and most profligate of the People, who were often tempted to lay hold of the Opportunities which that Law put into their Hands of relieving their Wants, or gratifying their Resentment ; and very frequently intimidated the innocent, by Threats of Accusations which were not easily to be confuted. They were therefore equally dangerous to those that obey’d the Act and to those that disregarded it ; for they sometimes put their Threats in Execution, and raised Prosecutions against those who had committed no other Crime than that of refusing to bribe them to Silence.

‘ An Abuse so notorious, my Lords, produced a general Detestation of all Informers, or at least concurred with other Causes to produce it ; and that Detestation was so prevalent in the Minds of the Populace, that at last it became to the highest Degree dangerous to attempt the Conviction of those, who, in the most open and contemptuous Manner, every Day violated the Laws of their Country ; and in Time the Retailers trusting to the Protection of the People, laid aside all Caution, at least in this great City, and prosecuted their former Practice with the utmost Security.

‘ This, my Lords, was the chief Difficulty and Inconvenience hitherto discovered in the Law which is now proposed to be repealed. Thus was its Execution obstructed and the Provisions enacted by it made ineffectual. This Defect therefore ought to be chiefly regarded in any new Regulations.

ons. But what Securities, my Lords, are provided against the same Evil in the Bill before us ? Or why should we imagine that this Law will be executed with less Opposition than the last ? The Informers will undoubtedly be of the same Class as before ; they are still to be incited by a Reward : And therefore it may be reasonably feared, that they will act upon the same Motives, and be persecuted with the same Fury.

An. 16. Geo. III.  
1742.

‘ To obviate this Inconvenience, appears to me very easy, by converting the Duty upon Licences to a large Duty upon the Liquors to be paid by the Distiller ; the Payment of which will be carefully exacted by proper Officers, who, tho’ their Employment is not very reputable, pursue it at least without any personal Danger ; and who inform their Superiors of any Attempts to defraud the Revenue without being censured as officious or revengeful, and therefore are without any Terrors to hinder them from their Duty.

‘ It has been asserted, indeed, that the Price of a Licence is now so small, that none who are inclin’d to deal in Spirits, will neglect to secure themselves from Punishment and Vexation by procuring it ; and that no Man will subject himself to the Malice of a Profligate by carrying on an illicit Trade, which the annual Expence of Twenty Shillings will make legal.

‘ If this Argument be just, my Lords, and to the greatest Part of this Assembly, I believe, it will appear very plausible, how will this Law lessen the Consumption of distill’d Liquors ? It is confess’d that it will hinder nobody from selling them ; and it has been found by Experience that nothing can restrain the People from buying them, but such Laws as hinder them from being sold.

‘ This Plea, therefore, by removing an Objection to a particular Clause, will strengthen the great Argument against the Tenor of the Bill, that instead of lessening it will increase the Consumption of those Liquors which are allowed to be destructive to the People, to enfeeble the Body, and to vitiate the Minds, and consequently to impair the Strength and Commerce of the Nation, and to destroy the Happiness and Security of Life.

‘ That the Cheapness of Licences will induce Multitudes to buy them, may be expected ; but it cannot be hoped that every one will cease to sell Spirits without a Licence, for they are, as I am informed, offered every Hour in the Streets by those to whom Twenty Shillings make a very large Sum ; and who therefore will not, or cannot, purchase a Licence. These ought undoubtedly to be detected and punished ; but there



**Act. 16. Geo. II.** there is no Provision made for discovering them, but what has been found already to be ineffectual.

1742.

‘ It appears therefore, my Lords, that this Bill will increase the Number of lawful Retailers, without diminishing that of private Dealers ; so that the Opportunities of Debauchery will be multiplied in proportion to the Numbers who shall take Licences.

‘ There is another Fallacy by which the Duties upon distill’d Liquors have been hitherto avoided, and which will still make this Bill equally useless as the former, for the Ends which are to be promoted by it.

‘ It is expected, my Lords, by those who purchase Spirits from the Distillers, that they should be of a certain Degree of Strength which they call Proof : If they are of a lower Degree, their Price is diminished; and if of a higher, it is raised proportionably ; because if the Spirits exceed the Degrees of Strength required, they may be mixed with other Liquors of little Value and still be sold to the Drinker at the common Price.

‘ It is therefore the Practice of the Distillers to give their Spirits thrice the Degree of Strength required, by which Contrivance, though they pay only the Duty of one Pint, they sell their Liquors at the Price of three ; because it may be increas’d to thrice the Quantity distill’d, and yet retain sufficient Strength to promote the Purposes of Wickedness.

‘ This Practice, my Lords, should be likewise obviated ; for while one Gallon, after having paid the present low Duty which is laid upon it, may be multiplied to three, the additional Price will, in the small Quantities, which are usually demanded, become imperceptible.

‘ But to show yet farther the Inefficacy of this Bill. Let us suppose, what will not be found by Experience, that a Halfpenny is added to the Price of every Pint, it will yet be very practicable to revel in Drunkenness for a Penny ; since a very small Quantity of these hateful Liquors is sufficient to intoxicate those who have not been habituated to the Use of them ; who, though their Reformation is undoubtedly to be desired, do not so much demand the Care of the Legislature, as those who are yet untainted with this pernicious Practice, and who may perhaps by the Frequency of Temptation, and the Prevalence of Example, be induced in Time to taste these execrable Liquors, and perish in their first Essays of Debauchery. For such is the Quality of these Spirits, that they are sometimes fatal to those who indiscreetly venture upon them without Caution, and whose Stomachs have not been prepared for large Draughts, by proper

per Gradations of Intemperance ; a single Spoonful has been found sufficient to hurry two Children to the Grave. An. 16. Geo. II.

1742.

‘ It is, therefore, my Opinion that those whose Stations and Employments make it their Duty to superintend the Conduct of their Fellow-Subjects, ought to contrive some other Law on this Occasion, ought to endeavour to rescue the Common People from the Infatuation which is become general amongst them, and to withhold from them the Means of Wickedness. That instead of complying with their Prejudices and flattering their Appetites, they should exert that Authority, with which they are intrusted, in a steady and resolute Opposition to predominant Vices ; and without having Recourse to gentle Arts and temporising Expedients, snatch out of their Hands at once those Instruments which are only of Use for criminal Purposes, and take from their Mouths that Draught, with which, however delicious it may seem, they poison at once themselves and their Posterity.

‘ The only Argument which can be offered in Defence of this Bill is the Necessity of supporting the Expences of the War, and the Difficulty of raising Money by any other Method. The Necessity of the War, my Lords, I am not about to call in question, nor is it very consistent with my Character to examine the Method in which it has been carried on ; but this I can boldly assert, that however just, however necessary, however prudently prosecuted, and however successfully concluded, it can produce no Advantages equivalent to national Sobriety and Industry ; and I am certain that no publick Advantage ought to be purchased at the Expence of publick Virtue.

‘ But, my Lords, I hope we are not yet reduced to the unhappy Choice either of corrupting our People or submitting to our Enemies ; nor do I doubt but that Supplies may be obtained by Methods less pernicious to the Publick, and that Funds sufficient for the present Occasion may be established without a legal Establishment of Drunkenness.

‘ I hope, my Lords, we shall not suffer our Endeavours to be baffled by the Obstinacy of Drunkards, and that we shall not desist from endeavouring the Recovery of the Nation from this hateful Vice, because our first Attempt has failed ; since it failed only by the Negligence or the Cowardice of those whose Duty required them to promote the Execution of a just Law.

‘ Against the Bill now before us, I have thought it my Duty to declare, as it appears to me opposite to every Principle of Virtue, and every just Purpose of Government ; and therefore, though I have engrossed so much of your Time in

An. 16. Geo. II. in speaking on a Subject with which it cannot reasonably be expected that I should be well acquainted, I hope I shall easily be pardoned by your Lordships ; since I have no private Views either of Interest or Resentment to promote, and have spoken only what my Conscience dictates, and my Duty requires.'

Then Lord *Talbot* rose up, and spoke to the following Effect :

*My Lords,*

Lord *Talbot*.

' I am ashamed that there should be any Necessity of opposing in this House a Bill like that which is now before us ; a Bill crowded with Absurdities, which no Strength of Eloquence can exaggerate, nor any Force of Reason make more evident.

' This Bill, my Lords, is however the first Proof that our new Ministers have given of their Capacity for the Task which they have undertaken. This is a Specimen of their Sagacity, and is designed by them as an Instance of the gentle Methods by which the Expences of the Government are hereafter to be levied upon the People. The Nation shall no longer see its Manufactures subjected to Imposts, nor the Fruits of Industry taken from the laborious Artificer ; but Drunkenness shall hereafter supply what has hitherto been paid by Diligence and Traffick ; the Restraints of Vice shall be taken away ; the Barriers of Virtue and Religion broken, and an universal Licentiousness shall overspread the Land, that the Schemes of the Ministry may be executed.

' What the Projects are, my Lords, that are to be pursued by such Means, it is not my present Purpose to enquire : It is not necessary to add any Aggravations to the present Charge, or to examine what has been the former Conduct, or what will be the future Actions of Men who lie open by their present Proposal to the most atrocious Accusations ; who are publicly endeavouring the Propagation of the most pernicious of all Vices ; who are laying Poison in the Way of their Countrymen, Poison by which not only the Body but the Mind is contaminated ; who are attempting to establish by a Law a Practice productive of all the Miseries to which human Nature is incident, a Practice which will at once disperse Diseases or Sedition, promote Beggary and Rebellion.

' This, my Lords, is the Expedient by which the Acuteness of our Ministry proposes to raise the Supplies of the present Year ; and by this they hope to convince the Nation that they are qualified for the high Trusts to which they  
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are advanced ; and that they owe their Advancement only to the Superiority of their Abilities, the Extent of their Knowledge, and the Maturity of their Experience : By this Master-stroke of Policy they hope to lay for their Authority a firm and durable Foundation, and to possess themselves by this happy Contrivance at once of the Confidence of the Crown and the Affections of the People.

An. 16. Geo. II.

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‘ But, my Lords, I am so little convinced of their Abilities, that amidst all the Exultation which this new Scheme produces, I will venture to prophecy the Decline of their Influence, and to fix the Period of their Greatness ; for I am persuaded that notwithstanding the Readiness with which they have hitherto sacrificed the Interest of their Country, notwithstanding the desperate Precipitation with which they have blindly engag’d in the most dangerous Measures, they will not be able to continue a Year in their present Stations.

‘ The Bill now under our Consideration, my Lords, will undoubtedly make all those their Enemies whom it does not corrupt ; for what can be expected from it but universal Disorder and boundless Wickedness ? Wickedness made insolent by the Protection of the Law, and Disorder promoted by all those whose Wealth is increased by the Increase of the Revenues of the Government.

‘ Had it been urged, my Lords, in Defence of this Bill, that it was necessary to raise Money, and that Money could only be rais’d by increasing the Consumption of distill’d Spirits, it would have been apparent that it was well calculated to promote the Purposes intended ; but surely, to assert that it will obstruct the Use of these Liquors, is to discover a Degree either of Ignorance, of Effrontery, or of Folly, by which few Statesmen have been hitherto distinguished.

‘ If we receive without Examination the Estimates which have been laid down, and allow the Duty to rise as high as those by whom it is projected have ventured to assert, the Price of these Liquors can be raised but a Halfpenny a Pint ; and there are few, even among the lowest of those who indulge themselves in this fatal Luxury, whom the Want of a single Halfpenny can often debar from it.

‘ And though these accurate Calculators should insist, that Men may sometimes be compelled to Sobriety by this Addition to the Expence of being drunk ; yet how far will this Restraint be found from being equivalent to the new Temptation, which will be thrown into the Way of Thousands, yet uncorrupted, by the Multitude of new Shops that will be opened for the Distribution of Poyson, and the Se-

An. 16. Geo. II. curity which Debauchery will obtain from the Countenance  
1742. of the Legislature.

‘ What will be the Consequences of any Encouragement given to a Vice, already almost irresistably prevalent, I cannot determine ; but surely nothing is too dismal to be expected from universal Drunkenness, from a general Depravity of all the most useful Part of Mankind, from an epidemical Fury of Debauchery, and an unbounded Exemption from Restraint.

*consumption* ‘ How little any Encouragement is wanting to promote the Exemption of these execrable Liquors ; how much it concerns every Man who has been inform’d of their Quality, and who has seen their Consequences, to oppose the Use of them with his utmost Influence, appears from the enormous Quantity which the Stills of this Nation annually produce.

‘ The Number of Gallons, which appears from the Accounts on the Table to have been consumed last Year, is Seven Millions ! A Quantity sufficient to destroy the Health, interrupt the Labour, and deprave the Morals of a very great Part of the Nation : A Quantity which, if it be suffered to continue undiminished, will, even without any legal Encouragement of its Use, in a short Time destroy the Happiness of the Publick, and by impairing the Strength and lessening the Number of Manufacturers and Labourers, introduce Poverty and Famine.

‘ Instead therefore of promoting a Practice so evidently detrimental to Society, let us oppose it with the most vigorous Efforts : Let us begin our Opposition by rejecting this Bill, and then consider, whether the Execution of the former Law shall be enforced, or whether another more efficacious can be formed.

The Earl of Cholmondeley spoke to the following Effect :

*My Lords,*

*E. of Cholmondeley.*

‘ Though it is undoubtedly the Right of every Member of this House to utter his Sentiments with Freedom, yet surely Decency ought to restrain us from virulent, and Justice from undeserv’d Reproaches ; we ought not to censure any Conduct with more Severity than it deserves, nor condemn any Man for Practices of which he is innocent.

‘ This Rule, which will not, I suppose, be controverted, has not, in my Opinion, been very carefully observ’d in this Debate ; for surely nothing is more unjust than to assert or insinuate, that the Government has looked idly upon the  
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Advances of Debauchery, or has suffer'd Drunkenness to prevail without Opposition.

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' Of the Care with which this Licentiousness has been opposed, no other Proof can be required than the Laws which have in the present Reign been made against it. Soon after the Accession of his Majesty, the Use of compound Spirits was prohibited ; but this Law being eluded, by substituting Liquors so drawn as not to be included in the Statute, it was soon after repealed, and the People were for a Time, indeed, suffered to drink distill'd Liquors without Restraint, because a proper Method of restraining them was not easily to be found.

' How difficult it was to contrive Means by which this Vice might safely be prevented, appeared more plainly soon afterwards, when the outrageous Licentiousness of the Populace made it necessary to contrive some new Law by which the Use of that Liquor might be prohibited, to which so much Insolence, Idleness and Dissoluteness were imputed.

' The Law which it is now proposed to repeal, was then zealously promoted by those who were then most distinguished for their Virtue and their Prudence. Every Man who had any Regard for the Happiness of the Publick was alarm'd at the Inundation of Licentiousness that overflowed this City; and began to spread itself to the remoter Parts of the Kingdom ; and it was determin'd that nothing but a total Prohibition of distill'd Liquors could preserve the Peace, and restore the Virtue of the Nation.

' A Law was therefore made which prohibited the Retail of distill'd Spirits ; and it was expected that the People would immediately return to the Use of more innocent and healthful Liquors, and that this new Art of sudden Intoxication would be wholly suppress'd ; but with how little Knowledge of the Dispositions of the Nation this Hope was formed, the Event quickly discover'd ; for no sooner was the darling Liquor withheld, than a general Murmur was raised over all Parts of this great City, and all the lower Orders of the People testify'd their Discontent in the most open Manner. Multitudes were immediately tempted by the Prospect of uncommon Gain to retail the prohibited Liquors ; of these many were detected and many punished ; and the Trade of Information was so lucrative and so closely followed, that there was no doubt but the Law would produce the Effect expected from it ; and that the most obstinate Retailers would by repeated Prosecutions be discouraged from the Practice.

' But no sooner did the People find their favourite Gratification

An. 16. Geo. II. 1742. <sup>1742.</sup> fication in real Danger, than they unanimously engaged in its Defence; they discovered, that without Informers the new Law was without Operation; and the Informers were therefore persecuted by them without Mercy and without Remission, till at last no Man would venture to provoke the Repentment of the Populace for the Reward to which Information entitled him.

‘ Thus, my Lords, one Law has been eluded by Artifice, and another defeated by Violence; the Practice of drinking Spirits, however pernicious, still continued to prevail; the Magistrates could not punish a Crime of which they were not inform’d, and they could obtain no Information of a Practice vindicated by the Populace.

‘ It is not indeed to be allow’d, that the Custom of drinking distill’d Liquors, however prevalent, has yet arisen to the Height at which the noble Lord who spoke last seems to imagine it arriv’d; for tho’ it is undoubtedly true that seven Millions of Gallons are annually distill’d, it is not to be imagin’d that the whole Quantity is wasted in Debauchery; some is exhausted by the Necessities, and some by the Conveniences of Life, a great Part is exported to other Countries, and the Distillery promotes many other Purposes than those of Riot and Licentiousness.

‘ That too much however is us’d by the common People, and that Intemperance has for some Time prevailed in a Degree unknown to any former Age, cannot be denied; and therefore some Means of reclaiming them ought to be tried. What then, my Lords, is to be done? The first Law was eluded, the second is defied; the first was executed but produced no Restraint, the second produces a Restraint so violent that it cannot be executed.

‘ That the present Law is ineffectual cannot be doubted by those who assert, that the Quantity of Spirits distill’d has every Year encreased; and there seems to remain therefore no other Choice than that of suffering this Increase to proceed, or to endeavour to prevent it by new Regulations. The present Law ought to be repealed, because it is useless; but surely some other ought to supply its Place, which may be more easily enforced and less violently opposed.

‘ The Bill now before us, my Lords, will in my Opinion, answer all the Purposes of the last, without Noise and without Disturbance. By lessening the Price of Licences it will put a Stop to clandestine Retail; and by raising that of the Liquors, it will hinder the common People from drinking them in their usual Excess. Those who have hitherto lost their Reason and Limbs twice a Day by their Drunkenness, will

will not be able under the intended Regulations to commit the same Crime twice in a Week ; and as the Temptation of Cheapness will be taken away, it may be hoped that the next Generation will not fall into the same Vice.

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' Since therefore, my Lords, the Arguments in favour of this Bill are at least plausible and specious ; since the Design appears to be worthy this House, and the Method proposed such as may be hoped to produce the Effects which the Projectors of the Bill desire ; and since the Opinions of this House are at least divided, and the other has pass'd it almost without Opposition, we ought at least, in my Opinion, not to reject it with Precipitation, but refer it to a Committee, that it may be fully consider'd ; and those Objections which cannot be answer'd, remov'd by proper Alterations.'

The Earl of *Chesterfield* spoke to the following Purport :

*My Lords,*

' The Bill now under our Consideration appears to me to deserve a much closer Regard than seems to have been paid to it in the other House, through which it was hurried with the utmost Precipitation, and where it was pass'd almost without the Formality of a Debate ; nor can I think that Earnestness with which some Lords seem inclin'd to press it forward here, consistent with the Importance of the Consequences which may be with great Reason expected from it.

' It has been urged, that where so great a Number have formed Expectations of a National Benefit from any Bill, so much Deference, at least, is due to their Judgment, as that the Bill should be consider'd in a Committee. This, my Lords, I admit to be in other Cases a just and reasonable Demand, and will readily allow that the Proposal not only of a considerable Number, but even of any single Lord, ought to be fully examined and regularly debated according to the usual Forms of this House. But in the present Case, my Lords, and in all Cases like the present, this Demand is improper, because it is useless ; and it is useless, because we can do now all that we can do hereafter in a Committee. For the Bill before us is a Money-Bill which, according to the present Opinion of the Commons, we have no Right to amend ; and which therefore we have no need of considering in a Committee, since the Event of all our Deliberations must be, that we are either to reject or pass it in its present State. For I suppose no Lord will think this a proper Time to enter into a Controversy with the Commons, for the Revival of those Privileges to which I believe we have a Right, and such

E. of *Chesterfield*



An. 16. Geo. II. a Controversy the least Attempt to amend a Money-Bill will  
 1742. certainly produce.

‘ To desire, therefore, my Lords, that this Bill may be consider’d in a Committee, is only to desire that it may gain one Step without Opposition ; that it may proceed through the Forms of the House by Stealth, and that the Consideration of it may be delay’d till the Exigencies of the Government shall be so great, as not to allow Time for raising the Supplies by any other Method.

‘ By this Artifice, gross as it is, the Patrons of this wonderful Bill hope to obstruct a plain and open Detection of its Tendency. They hope, my Lords, that the Bill shall operate in the same Manner with the Liquor which it is intended to bring into more general Use ; and that as those that drink Spirits are drunk before they are well aware that they are drinking, the Effects of this Law shall be perceived before we know that we have made it. Their Intent is to give us a Dram of Policy which is to be swallowed before it is tasted, and which, when once it is swallowed, will turn our Heads.

‘ But, my Lords, I hope we shall be so cautious as to examine the Draught which these State Emperics have thought proper to offer us ; and I am confident that a very little Examination will convince us of the pernicious Qualities of their new Preparation, and shew that it can have no other Effect than that of poisoning the Publick.

‘ The Law before us, my Lords, seems to be the Effect of that Practice of which it is intended likewise to be the Cause ; and to be dictated by the Liquor of which it so effectually promotes the Use ; for surely it never before was conceived by any Man intrusted with the Administration of publick Affairs, to raise Taxes by the Destruction of the People.

‘ Nothing, my Lords, but the Destruction of all the most laborious and useful Part of the Nation can be expected from the Licence which is now proposed to be given, not only to Drunkenness, but to Drunkenness of the most detestable and dangerous Kind, to the Abuse not only of intoxicating, but of poisonous Liquors.

‘ Nothing, my Lords, is more absurd than to assert, that the Use of Spirits will be hindered by the Bill now before us, or indeed that it will not be in a very great Degree promoted by it. For what produces all Kinds of Wickedness, but the Prospect of Impunity on one Part, or the Solicitation of Opportunity on the other ; either of these have too frequently been sufficient to overpower the Sense of Morality, and even of Religion ; and what is not to be feared from them, when they

they shall unite their Force and operate together, when Temptations shall be encreased, and Terror taken away ?

An. 16. Geo. II.

1742.

‘ It is allow’d by those who have hitherto disputed on either Side of this Question, that the People appear obstinately enamoured of this new Liquor ; it is allow’d on both Parts, that this Liquor corrupts the Mind, and enervates the Body, and destroys Vigour and Virtue at the same Time that it makes those who drink it too idle and too feeble for Work ; and while it impoverishes them by the present Expence, disables them from retrieving its ill Consequences by subsequent Industry.

‘ It might be imagined, my Lords, that those who had thus far agreed, would not easily find any Occasion of Dispute ; nor would any Man, unacquainted with the Motives by which Parliamentary Debates are too often influenced, suspect that after the pernicious Qualities of this Liquor, and the general Inclination among the People to the immoderate Use of it had been generally admitted, it could be afterwards inquired, whether it ought to be made more common, whether this universal Thirst for Poison ought to be encouraged by the Legislature, and whether a new Statute ought to be made to secure Drunkards in the Gratification of their Appetites.

‘ To pretend, my Lords, that the Design of this Bill is to prevent or diminish the Use of Spirits, is to trample upon common Sense, and to violate the Rules of Decency as well as of Reason. For when did any Man hear, that a Commodity was prohibited by licensing its Sale, or that to offer and refuse is the same Action ?

‘ It is indeed pleaded, that it will be made dearer by the Tax which is proposed, and that the Increase of the Price will diminish the Numbers of the Purchasers ; but it is at the same Time expected that this Tax shall supply the Expence of a War on the Continent : It is asserted therefore, that the Consumption of Spirits will be hindered, and yet that it will be such as may be expected to furnish, from a very small Tax, a Revenue sufficient for the Support of Armies, for the Re-establishment of the *Austrian* Family, and the repressing of the Attempts of *France*.

‘ Surely, my Lords, these Expectations are not very consistent, nor can it be imagined that they are both formed in the same Head, though they may be express’d by the same Mouth. It is however some Recommendation of a Statesman, when of his Assertions one can be found reasonable or true ; and in this, Praise cannot be denied to our present Ministers ; for though it is undoubtedly false, that this Tax

will

An. 16. Geo. II. 1742. will lessen the Consumption of Spirits, it is certainly true that it will produce a very large Revenue ; a Revenue that will not fail but with the People from whose Debaucheries it arises.

‘ Our Ministers will therefore have the same Honour with their Predecessors of having given Rise to a new Fund, not indeed for the Payment of our Debts, but for much more valuable Purposes, for the chearing of our Hearts under Oppression, and for the ready Support of those Debts which we have lost Hopes of paying. They are resolved, my Lords, that the Nation, which no Endeavours can make wise, shall, while they are at its Head, at least be merry ; and since publick Happiness is the End of Government, they seem to imagine that they shall deserve Applause by an Expedient which will enable every Man to lay his Cares asleep, to drown Sorrow, and lose in the Delights of Drunkenness both the publick Miseries and his own.

‘ Luxury, my Lords, is to be taxed, but Vice prohibited, let the Difficulties in executing the Law be what they will. Would you lay a Tax upon the Breach of the Ten Commandments ? Would not such a Tax be wicked and scandalous ; because it would imply an Indulgence to all those who could pay the Tax ? Is not this a Reproach most justly thrown by Protestants upon the Church of *Rome* ? Was it not the chief Cause of the Reformation ? And will you follow a Precedent which brought Reproach and Ruin upon those that introduc’d it ? This is the very Case now before us : You are going to lay a Tax, and consequently to indulge a Sort of Drunkenness, which almost necessarily produces a Breach of every one of the Ten Commandments. Can you expect the Reverend Bench will approve of this ? I am convinced they will not, and therefore I wish I had seen it full upon this Occasion. I am sure I have seen it much fuller upon other Occasions in which Religion had no such deep Concern.

‘ We have already, my Lords, several Sorts of Funds in this Nation ; so many that a Man must have a good deal of Learning to be Master of them. Thanks to his Majesty, we have now amongst us the most learned Man of the Nation in this Way. I wish he would rise up and tell us, what Name we are to give to this new Fund. We have already the Civil List Fund, the Sinking Fund, the Aggregate Fund, the South Sea Fund, and God knows how many others. What Name we are to give to this new Fund I know not, unless we are to call it the Drinking Fund. It may perhaps enable the People of a certain Foreign Territory to drink

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Claret, but will disable the People of this Kingdom from drinking any Thing else but Gin; for when a Man has by Gin-drinking render'd himself unfit for Labour or Business he can purchase nothing else, and then the best Thing he can do is to drink on till he dies.

An. Geo. 16. II.  
1742.

' Surely, my Lords, Men of such unbounded Benevolence, as our present Ministers, deserve such Honours as were never paid before; they deserve to bestride a But upon every Sign-Post in the City, or to have their Figures exhibited as Tokens where this Liquor is to be sold by the Licence which they have procur'd. They must be at least remembered to future Ages, as the happy Politicians, who, after all Expedients for raising Taxes had been employed, discovered a new Method of draining the last Reliques of the publick Wealth, and added a new Revenue to the Government; nor will those, who shall hereafter enumerate the several Funds now established among us, forget among the Benefactors to their Country the illustrious Authors of the Drinking Fund.

' May I be allowed, my Lords, to congratulate my Countrymen and Fellow-Subjects upon the happy Times which are now approaching, in which no Man will be disqualified from the Privilege of being drunk; when all Discontent and Disloyalty shall be forgotten, and the People though now considered by the Ministry as Enemies, shall acknowledge the Lenity of that Government under which all Restraints are taken away.

' But to a Bill for such desirable Purposes it would be proper, my Lords, to prefix a Preamble in which the Kindness of our Intentions should be more fully explain'd; that the Nation may not mistake our Indulgence for Cruelty, nor consider their Benefactors as their Persecutors. If therefore this Bill be considered and amended, (for why else should it be considered) in a Committee, I shall humbly propose, that it shall be introduced in this Manner. ' Whereas the Designs of the present Ministry, whatever they are, cannot be executed without a great Number of Mercenaries, which Mercenaries cannot be hired without Money; and whereas the present Disposition of this Nation to Drunkenness, inclines us to believe, that they will pay more chearfully for the undisturb'd Enjoyment of distill'd Liquors, than for any other Concession that can be made by the Government; be it enacted by the King's most excellent Majesty, &c. that no Man shall hereafter be denied the Right of being drunk on the following Conditions.'

' This, my Lords, to trifle no longer, is the proper Preamble

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amble to this Bill, which contains only the Conditions on which the People of this Kingdom are to be allowed henceforward to riot in Debauchery, in Debauchery licens'd by Law and countenanced by the Magistrates; for there is no doubt but those on whom the Inventers of this Tax shall confer Authority, will be directed to assist their Masters in their Design to encourage the Consumption of that Liquor from which such large Revenues are expected, and to multiply without End those Licences which are to pay a yearly Tribute to the Crown.

' By this unbounded Licence, my Lords, that Price will be lessened, from the Increase of which the Expectations of the Efficacy of this Law are pretended; for the Number of Retailers will lessen the Value as in all other Cases, and lessen it more than this Tax will increase it. Besides it is to be considered, that at Present the Retailer expects to be paid for the Danger which he incurs by an unlawful Trade, and will not trust his Reputation or his Purse to the Mercy of his Customer, without a Profit proportioned to the Hazard; but when once the Restraint shall be taken away, he will sell for common Gain; and it can hardly be imagined that at present he subjects himself to Informations and Penalties for less than Six-pence a Gallon.

X ' The specious Pretence, on which this Bill is founded, and indeed the only Pretence that deserves to be termed specious, is the Property of taxing Vice; but this Maxim of Government has on this Occasion been either mistaken or perverted. Vice, my Lords, is not properly to be taxed but suppressed, and heavy Taxes are sometimes the only Means by which that Suppression can be attained. Luxury, my Lords, or the Excess of that which is pernicious only by its Excess, may very properly be taxed, that such Excess, tho' not strictly unlawful, may be made more difficult. But the Use of these Things which are simply hurtful, hurtful in their own Nature and in every Degree, is to be prohibited. None, my Lords, ever heard in any Nation of a Tax upon Theft or Adultery, because a Tax implies a Licence granted for the Use of that which is taxed, or to all who shall be willing to pay it.

' Drunkenness, my Lords, is universally and in all Circumstances an Evil; and therefore ought not to be taxed but punished, and the Means of it not to be made easy by a slight Impost which none can feel, but to be removed out of the Reach of the People, and secured by the heaviest Taxes levied with the utmost Rigour. I hope, those, to whose Care the Religion of the Nation is particularly consigned, will  
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unanimously join with me in maintaining the Necessity not of taxing Vice but suppressing it, and unite for the rejecting of a Bill, by which the future as well as the present Happiness of Thousands may be destroyed.

An. 16. Geo. II.  
1742.

Then the Lord Viscount *Lonfdale* rose up, and spoke as follows:

*My Lords,*

‘ The Bill now before us has, from its first Appearance in the other House, seem’d to me of such Importance as to deserve the greatest Attention, and to demand the most diligent Inquiry ; and I have therefore consider’d it with uncommon Care, and pursued all those Inquiries from which I could expect any Assistance for discovering its Tendency and its Consequences, with the nicest and most anxious Vigilance.

Lord Lonfdale.

‘ That my Attention and Diligence may not wholly terminate in the Gratification of idle and useless Curiosity, it is proper to inform your Lordships of the Result. By this I hope to convince you, as I am myself convinced, that this Bill cannot become a Law, without endangering the Lives of Thousands ; without dispersing Diseases over the Nation, or without multiplying Crimes beyond the Possibility of Restraint or Punishment ; that it will fill the Land with Confusion for a Time, by infatuating the People, and afterwards lay it desolate by destroying them.

‘ All my Enquiries, my Lords, have had one constant and uniform Effect. On what Side soever, I have turned my Speculations, I have found new Arguments against this Bill, and have discovered new Mischiefs comprised in it ; Mischiefs which, however some may endeavour to overlook, and others to despise, will be found in a short Time too general to be concealed and too formidable to be neglected.

‘ The first Consideration, in which the Necessity of deliberating on this Bill engaged me, related to the Quality of the Liquors which are mentioned in it. With Regard to this Question, my Lords, there was no Possibility of long Suspence ; for the pernicious Effects of Spirits were confessed equally by all those who countenanced and opposed this new Project ; nor could any Man take a Survey of this City without meeting in his Way such Objects as might make all farther Enquiry superfluous. The Intemperance, the Insolence, the Debauchery of the common People, and their natural and certain Consequences, Poverty, Diseases, Misery and Wickedness, are to be observed without any Intention of indulging such disagreeable Speculations ; in every Part of this great Metropolis, whoever shall pass along the Streets

An. 16. Geo. II. Streets, will find Wretches stretched upon the Pavement, insensible and motionless, and only removed by the Charity of Passengers from the Danger of being run over, or strangled with Filth in the common Sewers ; and others less helpless, perhaps, but more dangerous, who have drank too much to fear Punishment, but enough to hinder them from provoking it ; who think themselves in the Elevation of Drunkenness intitled to treat all those with Contempt whom their Dress distinguishes from them, and to resent every Injury, which in the Heat of their Imagination they suppose themselves to suffer, with the utmost Rudeness and Scurrility.

‘ No Man can pass a single Hour in publick Places without meeting such Objects, or hearing such Expressions as disgrace human Nature ; such as cannot be looked upon without Horror, or heard without Indignation, and which there is however no Possibility of removing or preventing, whilst this hateful Liquor is publicly sold.

‘ But the visible and obvious Effects of these pernicious Draughts, however offensive, or inconvenient, are yet much less to be dreaded than their more slow and secret Operations. That Excess of distilled Spirits inflames the Poor to Insolence and Fury ; that it exposes them either to Hurt by making them insensible of Danger, or to Punishment by making them fearless of Authority, is not to be reckoned the most fatal Consequence of their Use ; for these Effects, though their Frequency makes it necessary to suppress them, with regard to each Individual are of no long Duration ; the Understanding is in a short Time recovered after a single Debauch, and the Drunkard may return to his Employment.

‘ But though the Pleasures of Drunkenness are quickly at an End, its Pains are of longer Continuance. These Liquors not only insatuate the Mind but poison the Body ; nor do they produce only momentary Fury, but incurable Debility, and lingering Diseases ; they not only fill our Streets with Madmen, and our Prisons with Criminals, but our Hospitals with Cripples. Those who have for a Time infested the publick Walks with their Insults, quickly disturb them with their Lamentations, and are soon reduced from Bullies to Beggars, and obliged to solicit Alms from those they used to threaten and insult.

‘ Nor does the Use of Spirits, my Lords, only impoverish the Publick, by lessening the Number of useful and laborious Hands, but by cutting off those Recruits by which its natural and inevitable Losses are to be supplied. The Use of distilled Liquors impairs the Fecundity of the human Race,

Race, and hinders that Increase which Providence has ordained for the Support of the World. Those Women who riot in this poisonous Debauchery are quickly disabled from bearing Children, by bringing on themselves in a short Time all the Infirmitics and Weaknesses of Age, or what is yet more destructive to general Happiness, produce Children diseased from their Birth by the Vices of their Parents; Children whose Blood is tainted with inveterate and accumulated Maladies, for which no Cure can be expected; and who therefore are an additional Burthen to the Community, and must be supported through a miserable Life by that Labour which they cannot share, and must be protected by that Community of which they cannot contribute to the Defence.

An. 16. Geo. II.

1742.

‘ Thus, my Lords, is the great Source of Power and Wealth dried up; the Numbers of the People are every Day diminished; and by Consequence our Armies must be weakened, our Trade abandoned, and our Lands uncultivated. To diminish the People of any Nation is the most atrocious political Crime that it is possible to commit; for it tends not to enslave or impoverish, but to annihilate, not to make a Nation miserable, but to make it no longer a Nation.

‘ Such, my Lords, are the Effects of distilled Liquors: Effects which I would not have shocked you with the Enumeration of, had it not been with a Design of preventing them; and surely no Man will be charged with so trivial an Offence as Negligence of Delicacy, when he is pleading not for the Honour or the Life of a single Man, but for the Peace of the present Age, the Health of Posterity, and the Existence of the *British* People.

‘ After having examined the Nature of these Liquors, it is natural to enquire, how much they are in Use; whether Mankind appear to know their Quality, and avoid and detest them like other Poisons; or whether they are considered as inoffensive, and drank like other Liquors merely to raise the Spirits.

‘ It is well known, my Lords, that these Liquors have not been long in Use among the common People. Spirits were at first only imported from foreign Countries; and were by Consequence too dear for the Luxuries of the Vulgar. In Time it was discovered that it was practicable to draw from Grain and other Products of our own Soil such Liquors as, though not equally pleasing to elegant Palates with those of other Nations, resembled them at least in their inebriating Quality, and might be afforded at an easy Rate; and consequently generally purchased.

‘ This



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‘ This Discovery, my Lords, gave Rise to the new Trade of Distilling, which has been now for many Years carried on in this Nation; and of the Progress of which, since the Duties were laid upon its Produce, an exact Account may be easily obtained, which I thought so necessary in our Deliberations on this Bill, that I have procured it to be drawn out.

‘ The amazing Increase of the Consumption of Spirits for the last ten Years, is a Proof too evident of the Prevalence of this destructive Species of Drunkenness; and I shall therefore, without troubling your Lordships with earlier Accounts, only mention in round Numbers, the vast Quantities for which the Duty has been paid for a few Years in that Period. In the Year 1733, the Number of Gallons distilled was three Millions and nine hundred Thousand, which in 1735 was increased to five Millions and three hundred Thousand: Soon afterwards the Law was made which we are now persuaded to repeal, by the Execution of which, however feeble and irresolute, the Number was reduced in the first Year afterwards to three Millions, and might perhaps by steady Perseverance have been every Year lessened; but in a short Time the People prevailed in the Contest with the Legislature, they intimidated Information, and wearied Prosecution; and were at Length allowed to indulge themselves in the Enjoyment of their favourite Vice without any farther Molestation.

‘ The Effects of this Indulgence, my Lords, have been very remarkable; nor can it be denied, that the Government betrayed great Weakness in suffering the Laws to be over-ruled by Drunkenness, and the meanest and most profligate of the People to set the Laws at Defiance; for the Vice which had been so feebly opposed spread wider and wider, and every Year added regularly another Million of Gallons to the Quantity of Spirits distilled, till in the last Year they arose to seven Millions and one hundred Thousand Gallons.

‘ Such, my Lords, is at present the State of the Nation: Seven Millions of Gallons of these poisonous Liquors are every Year swallowed by the Inhabitants of this Kingdom; and this Quantity, enormous as it is, will probably every Year increase, till the Number of the People shall be sensibly diminished by the Diseases which it must produce; nor shall we find any Decay of this pernicious Trade, but by the general Mortality that will overspread the Kingdom.

‘ At least if this Vice should be suppressed, it must be suppressed by some supernatural Interposition of Providence; for nothing is more absurd than to imagine that the Bill now before

fore

fore us can produce any such Effect. For what, my Lords, encourages any Man to a Crime but Security from Punishment, or what tempts him to the Commission of it but frequent Opportunity? We are however about to reform the Practice of drinking Spirits, by making Spirits more easy to be procured; we are about to hinder them from being bought by exempting the Vender from all Fear of Punishment.

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‘ It has indeed been asserted that the Tax now to be laid upon these Liquors will have such wonderful Effects, that those who are at present drunk twice a Day will not be henceforward able to commit the same Crime twice a Week; an Assertion which I could not hear without wondering at the new Discoveries which ministerial Sagacity can sometimes make.

‘ In Deliberations on a Subject of such Importance, my Lords, no Man ought to content himself with Conjecture, where Certainty may, at whatsoever Expence of Labour, be attained; nor ought any Man to neglect a careful and attentive Examination of his Notions before he offers them in publick Consultations; for if they were erroneous, and no Man can be certain that he is in the Right who has never brought his own Opinions to the Test of Inquiry, he exposes himself to be detected in his Ignorance, and to that Contempt which such Detection naturally and justly produces: Or if his Audience submit their Reason to his Authority, and neglect to examine his Assertions, in Confidence that he has sufficiently examined them himself, he may suffer what to an honest Mind must be far more painful than any personal Ignominy; he may languish under the Consciousness of having influenced the publick Counsels by false Declarations, and having by his Negligence betrayed his Country to Calamities, which a closer Attention might have enabled him to have foreseen.

‘ Whether the noble Lord, who alledg’d the Certainty of Reformation which this Bill will produce, ever examined his own Opinion, I know not; but I think it necessary at least to consider it more particularly to supply that Proof of it which, if it be true, he neglected to produce, or to shew, if it be found false, how little confident Assertions are to be regarded.

‘ Between twice a Day, and twice a Week, the noble Lord will not deny the Proportion to be as seven to one; and therefore to prevent Drunkenness in the Degree which he persuades us to expect, the Price of the Liquor must be raised in the same Proportion; but the Duty laid upon the Gallon will not encrease the Price a fifth Part, even though it should not be eluded by distilling Liquors of an extraordinary Strength; one fifth Part of the Price is therefore, in his

Lordships,

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Lordships Estimate, equal to the whole Price seven Times multiplied. Such are the Arguments which have been produced in Favour of this Bill ; and such is the Diligence with which the publick Happiness is promoted by those who have Hopes of being enriched by publick Calamities.

‘ As the Tax will not make a fifth Part of the Price, and even that may be in some Measure evaded, the Duty paid for Licences scarcely deserves Consideration ; for it is not intended to hinder Retailers, but to make them useful in some Degree to the Ministry, by paying a yearly Tax for the Licence of poisoning.

‘ It is therefore apparent, upon the noble Lord’s Supposition, that the Price of the Liquor will be raised in Consequence of this Tax, that no Man can be hindered from more than a fifth Part of his usual Debauchery ; which however would be some Advantage to the Publick ; but even this small Advantage cannot be expected from the Bill, because one Part will obstruct the Benefits that might be hoped from another.

‘ The Duty upon Liquors, however inconsiderable, will be necessarily an Augmentation of the Price to the first Buyer, but probably that Augmentation will be very little felt by the Consumer. For, my Lords, it must be considered that many Circumstances concur to constitute the Price of any Commodity ; the Price of what is in itself cheap, may be raised by the Art or the Condition of those that sell it ; what is engrossed by a few Hands, is sold dearer than when the same Quantity is dispersed in many ; and what is sold in Security, and under the Protection of the Law, is cheaper than that which exposes the Vender to Prosecutions and Penalties.

‘ At present, my Lords, distilled Spirits are sold in Opposition to the Laws of the Kingdom ; and therefore it is reasonable, as has been before observed, to believe that an extraordinary Profit is expected, because no Man will incur Danger without Advantage. It is at present retailed for the greatest Part by indigent Persons, who cannot be supposed to buy it in large Quantities ; and consequently not at the cheapest Rate, and who must of Necessity gain a large Profit, because they are to subsist upon a very small Stock.

‘ These Causes concurring may be easily imagined to raise the Price more than a fifth Part above the Profit which is expected in other Traffick ; but when this Bill shall become a Law, the Necessity of large Profit will no longer subsist ; for there will then be no Danger in retailing Spirits, and they will be chiefly sold in Houses by Persons who can afford to purchase them in great Quantities, who can be trusted by the Distiller, for the usual Time allowed in other Trades ; and

who

who therefore may sell them without any exorbitant Ad- An. 16. Geo. II.  
vantage.

1742.

‘ Besides, my Lords, it is reasonable to imagine, that the present Profit to the Retailer is very great, since like that which arises from the clandestine Exportation of Wool, it is sufficient to tempt Multitudes to a Breach of the Law, a Contempt of Penalties, and a Defiance of the Magistrates ; and it may be therefore imagined that there is Room for a considerable Abatement of the Price, which may substract much more than is added by this new Duty.

‘ This Deduction from the Price, my Lords, will probably be soon produced by the Emulation of Retailers ; who, when the Trade becomes safe and publick, will endeavour to attract Buyers by low Rates ; for what the noble Lord, whose ingenious Assertion I am now opposing, has declared with respect to Traders, that for a Tax of a Penny upon any Commodity, they oblige the Consumers to advance Twopence, is not universally true ; and I believe it is as likely that the People will insist upon having the same Liquor at the usual Price, without regard to the Tax, as that the Venders will be able to raise their Price in an unreasonable Proportion. The Obstinacy of the People with regard to this Liquor, my Lords, has already appeared ; and I am inclined to believe, that they who have confessedly conquered the Legislature, will not suffer themselves to be overcome in the same Cause by the Avarice of Alehouse-keepers.

‘ I am therefore confident, my Lords, that this Bill will produce no beneficial Effects even in this City ; and that in the Country, where the Sale of Spirits was hindered by the late Law, or where at least it might have been hindered in a great Measure, it will propagate Wickedness and Debauchery in a Degree never yet known ; the Torrent of Licentiousness will break in at once upon it, and a sudden Freedom from Restraint will produce a wanton Enjoyment of Privileges which had never been thought so valuable, had they never been taken away. Thus, while the Crowds of the Capital are every Day thin’d by the licenced Distributers of Poison, the Country, which is to be consider’d as the Nursery in which the human Species is chiefly propagated, will be made barren ; and that Race of Men will be intercepted, which is to defend the Liberty of the neighbouring Nations in the next Age, and to extend our Commerce to other Kingdoms.

‘ The Bill, my Lords, will therefore produce none of the Advantages which those who promote it have had the Confidence to promise the Publick. But let us now examine, whe-

An. 16. Geo. II. 1742. ther they have not been more sagacious in securing the Benefits which they expect from it themselves.

‘ That one of the Intentions of it is to raise a Sum to supply the present Exigencies of the Government is not denied ; that this is the only Intention is generally believed, and believed upon the strongest Reasons ; for it is the only Effect which it can possibly produce ; and to this End it is calculated, with all the Skill of Men long vers’d in the laudable Art of contriving Taxes and of raising Money.

‘ I have already shewn to your Lordships, that seven Millions of Gallons of Spirits are annually distill’d in this Kingdom : This Consumption, at the small Duty of Six-pence a Gallon, now to be imposed, will produce a yearly Revenue of 175,000l. and the Tax upon Licences may be rated at a very large Sum ; so that there is a Fund sufficient, I hope, for the Expences which a Land-War is to bring upon us.

‘ But we are not to forget, my Lords, that this is only the Produce of the first Year ; and that the Tax is likely to afford every Year a larger Revenue. As the Consumption of this Liquor, under its late Discouragements, has advanced a Million of Gallons every Year, it may be reasonably imagined that by the Countenance of the Legislature and the Protection of Authority, it will increase in a double Proportion ; and that in ten Years more twenty Millions will be distill’d every Year for the Destruction of the People.

‘ Thus far, my Lords, the Scheme of the Ministry appears prosperous ; but all Prosperity, at least all the Prosperity of Dishonesty, must in Time have an End. The Practice of Drinking cannot be for ever continued, because it will hurry the present Generation to their Grave, and prevent the Production of another ; the Revenue must cease with the Consumption, and the Consumption must be at an End, when the Consumers are destroyed.

‘ But this, my Lords, cannot speedily happen, nor have our Ministers any Dread of Miseries which are only to fall in distant Times upon another Generation. It is sufficient for them, if their Expedients can supply those Exigencies which their Counsels have brought upon the Publick ; if they pay their Court to the Crown with Success at whatever Disadvantage to the People, and continue in Power till they have enlarged their Fortunes ; and then, without Punishment, retire to enjoy them.

‘ But I hope, my Lords, that we shall act upon very different Principles ; that we shall examine the most distant Consequences of our Resolutions ; and consider ourselves, not as the Agents of the Crown to levy Taxes, but as the Guardians

ans of the People to promote the publick Happiness ; that we shall always remember that Happiness can be produced only by Virtue ; and that since this Bill can tend only to the Increase of Debauchery, we shall, without the Formality of a Commitment, unanimously reject it with Indignation and Abhorrence.

An. 16. Geo. II.

1742.

Then Lord Carteret stood up, and spoke as follows :

*My Lords,*

‘ The Bill now before us has been examined with the utmost Acuteness, and opposed with all the Arts of Eloquence and Argumentation, nor has any Topic been forgotten that could speciously be employed against it. It has been represented by some as contrary to Policy, and by others as opposite to Religion; its Consequences have been displayed with all the Confidence of Prediction, and the Motives upon which it has been formed declared to be such as, I hope, every Man abhors who projected or defends it.

‘ It has been asserted, that this Bill owes its Existence only to the Necessity of raising Taxes for the Support of unnecessary Troops, to be employed in useless and dangerous Expeditions ; and that those who defend it have no Regard to the Happiness or Virtue of the People, nor any other Design than to raise Supplies, and gratify the Ministry.

‘ In Pursuance of this Scheme of Argument, the Consequences of this Bill have been very artfully deduced, and very copiously explained ; and it has been asserted that by passing it, we shall shew ourselves the Patrons of Vice, the Defenders of Debauchery, and the Promoters of Drunkenness.

‘ It has been declared, that in Consequence of this Law, by which the Use of distill’d Liquors is intended to be restrained, the Retailers of them will be multiplied ; and multiplied without End, till the Corruption, which is already too extensive, is become general, and the Nation is transformed into a Herd of Drunkards.

‘ With regard to the Uses to which the Money which shall arise from this Tax is to be applied, though it has been more than once mentioned in this Debate, I shall pass it over, as without any Connection with the Question before us. To confound different Topicks, may be useful to those whose Design is to impose upon the Inattention or Weakness of their Opponents ; as they may be enabled by it to alter sometimes the State of the Controversy, and to hide their Fallacies in Perplexity and Confusion ; but always to be avoided by those who endeavour to discover and to establish Truth ; who dispute not to confound but to convince, and

An. 16. Geo. II. who intend not to disturb the publick Deliberations, but  
 1742. assist them.

‘ I shall therefore, my Lords, only endeavour to shew that the Consequence, of which some Lords express, and I believe with Sincerity, such dreadful Apprehensions is not in reality to be feared from this Bill ; that it will probably promote the Purpose for which it is declared to be calculated ; and that it will by no Means produce that Havock in the human Species which seems to be suspected, or diffuse that Corruption through the People which has been confidently foretold.

‘ The present State of this Vice, my Lords, has been fully explain’d, as well by those who oppose the Bill as by those who defend it. The Use of distill’d Liquors is now prohibited by a penal Law ; but the Execution of this Law, as of all others of the same Kind, necessarily supposes a regular Information of the Breach of it to be laid before the Magistrate. The People consider this Law, however just or necessary, as an Act of the most tyrannical Cruelty, which ought to be opposed with the utmost Steadiness and Vigour ; as an insupportable Hardship from which they ought at any Rate to set themselves free.

‘ They have determined therefore not to be governed by this Law, and have consequently endeavour’d to hinder its Execution ; and so vigorous have been their Efforts, that they have at last prevailed. At first they only opposed it by their Perseverance and Obstinacy ; they resolved to persist in the Practice of retailing Liquors, without Regard to the Penalties which they might incur by it ; and therefore as one was sent to Prison, his Place was immediately supplied by another ; and so frequent were the Informations, and so fruitless the Penalties, that the \*Chief Magistrate of the Metropolis lamented publicly in the other House the unpleasing Necessity to which he was subjected by that Law, of fining and imprisoning without End, and without Hopes of procuring the Reformation that was intended.

‘ Thus they proceeded for some Time, and appeared to hope that the Magistrates would after a while connive at a Practice, which they should find no Degree of Severity sufficient to suppress ; that they would sink under the Fatigue of punishing to no Purpose, that they would by Degrees relax their Vigilance, and leave the People in quiet Possession of that Happiness which they appeared to rate at so high a Price.

‘ At length, my Lords, instead of wearying the Magistrates, they grew weary themselves ; and determin’d no longer

• Sir John Barnard, Lord Mayor of London, Anno 1738.

longer to bear Persecution for their Enjoyments, but to resist that Law which they could not evade, and to which they would not submit. They therefore determined to mark out all those, who by their Informations promoted its Execution, as publick Enemies ; as Wretches who for the Sake of a Reward carried on a Trade of Perjury and Persecution, and who harrassed their innocent Neighbours only for carrying on a lawful Employment for supplying the Wants and administering Cordials to the Poor.

An. 16. Geo. II.

1742.

‘ The Word was therefore given that no Informer should be spared ; and when an Offender was summoned by the civil Officers, Crowds watch’d at the Door of the Magistrate to rescue the Prisoner, and to discover and seize the Witness upon whose Testimony he was convicted ; and unfortunate was the Wretch who, with the Imputation of this Crime upon him, fell into their Hands. It is well remembered by every Man who at that Time was conversant in this City, with what Outcries of Vengeance an Informer was pursued in the publick Streets, and in the open Day ; with what Exclamations of Triumph he was seized, and with what Rage of Cruelty he was tormented.

‘ One Instance of their Fury I very particularly remember. As a Man was passing along the Streets, the Alarm was given that he was an Informer against the Retailers of Spirituous Liquors ; the Populace were immediately gathered as in a Time of common Danger, and united in the Pursuit of a Beast of Prey which it was criminal not to destroy ; the Man discovered, either by Consciousness or Intelligence, his Danger, and fled for his Life with the utmost Precipitation ; but no House-keeper durst afford him Shelter, the Cry encreased upon him on all Hands, and the Populace rolled on after him with a Torrent not to be resisted ; and he was on the Point of being overtaken, and like some others destroyed, when one of the greatest Persons in the Nation, hearing the Tumult, and enquiring the Reason, open’d his Doors to the distress’d Fugitive, and shelter’d him from their Fury.

‘ Soon afterwards there was a Stop put to all Information ; no Man dared afterwards, for the sake of a Reward, to expose himself to the Fury of the People ; and the Use of these destructive Liquors was no longer obstructed. How much the Practice of this Kind of Debauchery prevailed after this short Restraint, and how much the Consumption of these destructive Liquors has encreased, the noble Lord who spoke last has very accurately inform’d us ; nor can any Argument be offered for the present Bill more strong than that which his Computations have already furnished.



An. 16. Geo. II.  
1742.

‘ For if it appears, my Lords, and it cannot be doubted after such authentick Testimonies, that seven Millions of Gallons of Spirits are every Year consumed in this Kingdom, and that of these far the greatest Quantity is wasted in the most flagitious and destructive Debauchery ; it is surely at length necessary to consider by what Means this Consumption, which cannot be stopped, may be lessen’d, and this Vice obstructed, which cannot be reformed.

‘ By opening a sufficient Number of licensed Shops, the Number of unlicensed Retailers will be necessarily lessened ; and by raising the Price of the Liquor, the Quantity which the Poor drink must with equal Certainty be diminish’d ; and as it cannot be imagined that the Number of those who will pay annually for Licences, can be equal to that of the petty Traders, who now dispose of Spirits in Cellars and in the Streets, it is reasonable to believe that since there will be fewer Sellers less will be sold.

‘ Some Lords have indeed declared their Suspicion, that the Number of licensed Shops will be such as will endanger the Health of the People, and the Peace of the Commonwealth ; and one has so far indulged his Imagination, as to declare that he expects fifteen hundred Shops to be set open for the Sale of Spirits, in a short Time after the Publication of this Law.

‘ If it be answered, that no Spirits can be sold but by those who keep a House of publick Entertainment by a Licence from the Justices of the Peace, the Opponents of the Bill have a Reply ready, that the Justices will take all Opportunities to promote the Increase of the Revenue, and will always grant a Licence when it is demanded ; without Regard to the Mischiefs that may arise from the Increase of the Retreats of Idleness and Vice ; and that therefore to allow Justices to grant Licences for the Retail of any Commodity upon which a Tax is laid, is to permit the Sale of it without Limits.

‘ But, my Lords, this Argument will vanish, when it is considered that those Justices, to whom the Law commits the Superintendency of publick Houses, are superintended themselves by Men who derive their Authority from a higher Power, and whose Censures are more formidable than judicial Penalties. The Conduct of the Justices, my Lords, as of every other Person, lies open to the Observation of the Reverend Clergy, by whose Admonitions they ought to be reformed : Admonitions which cannot be supposed to be without Force from Men to whom the great Province of Preaching Virtue and Truth is committed ; and whose Profession is so  
much

much revered, that Reputation and Infamy are generally An. 16 Geo. II.  
in their Power. 1742.

‘ Should the Justices, my Lords, abuse their Authority for the Increase of the Revenue, what could they expect but to be marked out the next Day of publick Worship for Reproach and Derision ? What could they hope but that their Crimes should be displayed in the most odious View to their Neighbours, their Children, and their Dependants ; and that all those from whom Nature or Interest teaches them to desire Friendship, Reverence, or Esteem, will be taught to consider them as Agents of Villany, and the Enemies of Mankind ?

‘ There is therefore, my Lords, Reason to hope that the Bill may be useful, because it will be hindered from being detrimental ; and as there is an absolute Necessity of doing something, and no better Method can at present be proposed, I think this ought not to be rejected. We have found by Experience that the Publick is not to be reformed at once, and that the Progress from Corruption to Reformation must be gradual ; and as this Bill enforces some Degrees of Amendment, it is at least more eligible than the present Law, which is wholly without Effect, because no Man will dare to put it in Execution.

‘ Every Man must be convinced by his own Experience, of the Difficulty with which long Habits are surmounted. I myself suffer by some Indulgence which yet I cannot forbear ; this is the Use of too much Snuff, to which it is well known that many Persons of Rank are not less addicted ; and therefore I don’t wonder that the Law is ineffectual, which is to encounter with the Habits of the whole Mass of the common People.

‘ For this Reason, my Lords, I cannot approve, what has been recommended in this Debate, any new Law that may put the Enjoyment of this Liquor yet farther from them, by facilitating Prosecutions, or enforcing Penalties.

‘ It has been objected by the noble Lord, that the Tax now proposed is such as never was raised in any Government, because, though Luxury may confessedly be taxed, Vice ought to be constantly suppressed ; and this, in his Lordship’s Opinion, is a Tax upon Vice.

‘ His Lordship’s Distinction between Luxury and Vice, between the Use of Things unlawful, and the Excess of Things lawful, is undoubtedly just, but by no Means applicable on this Occasion ; nor, indeed has the noble Lord with all his Art been able to apply it ; for he was obliged to change the Terms in his Argument ; and, instead of calling this Tax, a  
Tax

An. 16. Geo. II. Tax upon strong Liquors to stigmatise it with the odious Appellation of a Tax upon Drunkenness.

1742.

‘ To call any Thing what it really is not, and then to censure it, is very easy; too easy, my Lords, to be done with Success. To confute the Argument it is only necessary to observe, that this Tax is not a Tax upon Drunkenness, but a Tax laid upon strong Liquors for the Prevention of Drunkenness; and by Consequence such as falls within the Compass of his own Definition.

‘ That it is not a Tax upon Luxury, cannot be inferred from the Indigence of those whom it is intended to reform; for Luxury is, my Lords, *ad Modum Possidentis*, of different Kinds, in Proportion to different Conditions of Life; and one Man may very decently enjoy those Delicacies or Pleasures, to which it would be foolish and criminal in another to aspire. Whoever spends upon Superfluities what he must want for the Necessities of Life, is luxurious; and Excess therefore, of distilled Spirits, may be termed with the utmost Propriety, the Luxury of the Poor.

‘ This, my Lords, appeared to be the Opinion of the noble Lord who spoke so copiously on this Question at the Beginning of the Debate; of this Opinion was the Reverend Prelate, when he observed that Necessity itself was become luxurious; and of this Opinion must every one be, who advises such a Duty to be laid upon these Liquors, as may at once debar the Poor from the Use of them; for such a Proposal evidently supposes them unnecessary, and all Enjoyment of Things not necessary, is a Degree of Luxury.

‘ To tax this Luxury, which is perhaps the most pernicious of all others, is now proposed; but it is proposed to tax it only to suppress it; and to suppress it by such slow Degrees as may be born by the People; and, I hope, a Law so salutary will not be opposed, only because it may afford the Government a present Supply.’

The Duke of Newcastle then rose up, and spoke to the following Effect :

My Lords,

D. of Newcastle.

‘ I am of opinion that this Debate would have been much shorter, had not the noble Lords who have spoken in it suffered themselves to be led away, either by their own Zeal or that of their Opponents, from the true State of the Question; to which I shall take the liberty of recalling their Attention, that this important Controversy may have an end.

‘ The Point, the only Point that is, in my Opinion, now to be considered, is this, The People of this Nation have for  
some

Some Time practised a most pernicious and hateful Kind of *Am. 16. Geo. M.*  
Debauchery ; against which several Laws have been already  
made, which Experience has shewn to be so far without Ef-  
fect, that the Disorder has every Year increased among them.

1742.

[While he was speaking the Bishop of St. Asaph\* said, with-  
out Intention of being overheard, ' Yes, that is the true State  
' of the Case,' upon which the Duke stopped and asked, Whether  
his Lordship had any Objection to make, who answered, ' That  
' he had no design of interrupting him.' Thereupon his Grace  
proceeded.

' A new Law therefore, my Lords, is proposed less severe,  
indeed, than the former ; but which, it is hoped, will be  
for that Reason more efficacious : This Law having passed  
through the other House, is now in the common Course of  
our Procedure to be considered by us in a Committee.

' We are now, my Lords, therefore to resolve, whether a  
Bill for the Reformation of this flagrant Vice deserves any  
farther Deliberation ? Whether we shall join with the other  
House in their Endeavours to restore the ancient Sobriety  
and Virtue of the *British* People ; or, by an open Disappro-  
bation of their Attempt, discourage them from prosecuting  
their Design ; and debar them from using the Opportunities  
that succeeding Years may afford, and the new Lights which  
Experience may supply, for improving this Essay, however  
imperfect, to a salutary and unexceptionable Law ?

' The Prelates, whose laudable Zeal for promoting of Vir-  
tue has prompted them to distinguish themselves on this Oc-  
casion by an uncommon Warmth of Opposition, ought, as  
they appear fully sensible of the Calamities which Intempe-  
rance brings upon Mankind, to consider likewise the Conse-  
quences of refusing to examine in a Committee a Bill pro-  
fessedly drawn up to restrain Intemperance. They ought  
to remember, that by rejecting this Bill, without a particular  
Examination of the several Clauses which it contains, and  
without those particular Objections which such Examinations  
necessarily produce, we shall discover a Contempt of the  
Wisdom or Virtue of the other House ; which may incline  
them in their Turn to obstruct the Measures of the Govern-  
ment, or at least to neglect that Evil, however great, for the  
Redress of which they have no Reason to expect our Con-  
currence.

' Those whose particular Province it is to inspect the Lives  
of the People, to call them from Vice, and strengthen them  
in Virtue, should certainly reflect on this Occasion, that the  
safest Method ought to be chosen ; and therefore, that this  
Bill ought to be promoted ; because, without affirming too  
much

**An. 16. Geo. II.** much in its Favour, it is possible that it may produce some Degree of Reformation; and the worst that can be feared is, that, like the present Law, it will be ineffectual; for the Corruption and Licentiousness of the People are already such, that nothing can increase them.

1742.

The Bishop of *Salisbury* \* then spoke to the following Purpose.

My Lords,

*Bp. of Salisbury.*

‘ I am so far from being convinced by the Arguments of the noble Duke, that the Bill now before us ought to be committed, without farther Opposition; that, in my Opinion, nothing can be more unworthy of the Honour of this House, or more unsuitable to the Character which those who sit on this Bench ought to desire, than to agree to any Vote, which may have the most distant Appearance of Approbation.

‘ That a Bill drawn up for the Reformation of Manners, for the Restraint of a predominant and destructive Vice, for the Promotion of Virtue, and the Enforcement of Religion, ought at least to be calmly and particularly considered; that the laudable Endeavours of the Commons ought not to be discouraged by a precipitate and contemptuous Rejection of the Measures which they have formed for the Attainment of a Purpose so important, is indeed a specious and plausible Method of Persuasion; but, my Lords, it can affect only those, who come to deliberate upon this Bill without having read it.

‘ A very slight and cursory Perusal of the Bill, my Lords, will dissipate all the Mists which Eloquence can raise; it will shew that the Law now proposed can neither be useful, nor yet effectual; but that it must operate very powerfully, tho’ in a manner by no means agreeable to its Title.

‘ To prevent the excessive Use of any Thing by allowing it to be sold without Restraint, is an Expedient which the Wisdom of no former Age ever discovered; it is indeed a Fallacy too gross to be admitted, even by the most inconsiderable Negligence or the most contemptible Stupidity; nor am I at all inclined to believe that the Commons will impute the Rejecting of it to our Disregard of Virtue, or think that we have defeated any Endeavours for the Suppression of Wickedness.

‘ It has been affirmed, that tho’ by this Bill the Sale is permitted, it is permitted only, because it cannot be hindered; and that the Price is raised so high that, though the lawful Venders may be multiplied, the Number of the Purchasers

must

must be diminished. But even this Argument, like all others that have yet been advanced, is confuted by the Bill itself; from which the Tax now proposed appears to be such as, when subdivided by the small Measures in which Retailers sell these Liquors, will scarcely be perceived; and which, though it may enrich the Government, will not impoverish the People, except to destroy their Health, and enervating their Limbs.

An. Geo. 16. II.  
1742.

‘ The Tax, my Lords, even supposing it paid without any Method of Evasion, is so low, that in a Quarter of a Pint, the Quantity which the lower People usually demand at once, it does not amount to any Denomination of Money; and so small an addition will be easily overbalanced by the Sale of a larger Quantity than formerly; for it cannot be doubted but the Practice which prevailed in Opposition to the Law, will grow yet more predominant by its Encouragement; and that therefore the Advantage of a large and quick Sale will lessen the Price more than so slight a Tax can possibly encrease it.

‘ The noble Duke has endeavoured to reduce us to Difficulties by urging, that since the Corruption of the People cannot be greater, we ought willingly to agree to any Law, of which the Title declares that it is intended to produce a Reformation, because the worst that can be feared is, that it may be without Effect.

‘ But, my Lords, such is the enormous Absurdity of this Bill, that no Plea can be offered for it with the least Appearance of Reason; and the greatest Abilities, when they are exerted in its Defence, are able only to shew by fruitless Efforts that it cannot be vindicated. If the State of the Nation be really such as has been supposed; if the most detestable and odious Vice has overspread the Kingdom to its utmost Limits; if the People are universally abandoned to Drunkenness, Sloth and Villany; what can be more absurd than to trifle with doubtful Experiments, and to make Laws which must be suspected of Inefficacy? In the Diseases of the State, as in those of the Body, the Force of the Remedy ought to be proportioned to the Strength and Danger of the Disease; and surely no political Malady can be more formidable than the Prevalence of Wickedness, nor can any Time require more Firmness, Vigilance, and Activity in the Legislative Power.

‘ That the Law, therefore, may be without Effect, is, in the present State of Corruption, if it has been truly represented, a sufficient Reason for rejecting it, without allowing it to be committed; because there is now no Time for Indulgence or for Delays: A Nation universally corrupt must

be

An. 16. Geo. II.

1742.



be speedily reformed, or speedily ruined. Those Habits which have been confessed to be already too powerful for the Laws now in Being, may in a short Time be absolutely irresistible; and that Licentiousness which intimidates the Officers of Justice, may in another Year insult the Legislature.

‘ But, my Lords, I am yet willing to hope, that the noble Duke’s Account of the Wickedness of the People was rather a Rhetorical Exaggeration uttered in the Heat of Dispute, than a strict Assertion of Facts; and am of Opinion that, though Vice has indeed of late spread its Contagion with great Rapidity, there are yet great Numbers uninfected; and I cannot believe that our Condition is such as that nothing can make it more miserable.

‘ In many Parts of the Country, my Lords, these Liquors have not yet been much used; nor is it likely that those who have never sold them, when the Law allowed them, will begin an unnecessary Trade, when it will expose them to Penalties. But a new Law in favour of Spirits, will produce a general Inclination, and a Kind of Emulation will incite every one to take a Licence for the Retail of this new Liquor; and so every Part of the Kingdom will be equally debauched, and no Place will be without a Vender of statutable Poison. The Luxury of the Vulgar, for Luxury, in my Opinion, it may very properly be call’d, will still increase, and Vices and Diseases will increase with it.

‘ There is at least one Part of the Nation yet untainted; a Part which deserves the utmost Care of the Legislature, and which must be endangered by a Law like this before us. The Children, my Lords, to whom the Affairs of the present Generation must be transferred, and by whom the Nation must be continued, are surely no ignoble Part of the Publick. They are yet innocent; and it is our Province to take Care that they may in Time be virtuous; we ought therefore to remove from before them those Examples that may infect, and those Temptations that may corrupt them. We ought to reform their Parents lest they should imitate them. and to destroy those Provocatives to Vice by which the present Generation has been intoxicated, lest they should with equal Force operate upon the next.

‘ There is, therefore, no Occasion, my Lords, for any further Deliberation upon this Bill; which, if the Nation be yet in any Part untainted, will infect it; and if it be universally corrupted, will have no Tendency to amend it; and which we ought for these Reasons to reject, that our Abhorrence of Vice may be publicly known, and that no Part  
of

of the Calamities which Wickedness must produce, may be imputed to us.' An. 16. Geo. II.  
1742.

Lord *Delaware* then spoke to the following Effect :

*My Lords,*

' As I am entirely of Opinion that a more accurate Examination of this Bill will evince its Usefulness and Propriety to many of the Lords, who are now most ardent in opposing it, I cannot but think it necessary to consider it in a Committee. Lord Delaware ?

' It is to be remembered, my Lords, that this Bill is intended for two Purposes of very great Importance to the Publick ; it is designed that the Liberties of Mankind shall be secured by the same Provisions by which the Vices of our own People are to be reclaimed ; and Supplies for carrying on the War shall be raised by a Reformation of the Manners of the People.

' This, my Lords, is surely a great and generous Design ; this is a Complication of publick Benefits, worthy the most exalted Virtue and the most refined Policy ; and though a Bill in which Views so distant are to be reconciled should appear not to be absolutely perfect, it must yet be allowed to deserve Regard ; nor ought we to reject, without very cautious Deliberation, any probable Method of reforming the Nation, or any easy Way of raising Supplies.

' The Encroachment of Usurpation without, and the Prevalence of Vice within, is a Conjunction of Circumstances very dangerous ; and to remove both by the same Means, is an Undertaking that surely cannot deserve either Censure or Contempt ; if it succeeds, it may demand the loudest Acclamations, and if it fails, it must be at least approved.

' The Use, my Lords, of Spirituous Liquors, though, in the Excess now so frequently to be observed undoubtedly detrimental to Multitudes, is not, in a proper Degree, either criminal or unwholesome ; and therefore ought not to be prohibited by a Tax so heavy as has been proposed by a noble Lord, who, if he pursues his Reasoning, must propose to tax in the same Proportion every other Liquor that can administer to Vice.

' It is, however, certain that too much is wasted in Riot and Debauchery ; and that therefore some Addition to the Price of this Liquor ought to be made, that, though the Use of it may be continued, the Excess may be restrained.

' What will be the Effects of this Bill, and whether either of these Benefits are to be expected from it, can be known only by an impartial Examination ; and therefore it ought to be



An. 16. Geo. II. be discussed with that Accuracy which is peculiar to a Committee.  
1742.

Lord *Lonsdale* stood up again, and spoke to this Purpose.

*My Lords,*

Lord *Lonsdale*. ' That a Bill to restrain the Excess of drinking distilled Liquors without hindering their moderate Use, will deserve the Applause of every Lover of his Country, I cannot deny. But that any such Bill can be contrived may very justly be doubted ; for in Proportion to their Price they will always be used, and nothing can hinder Excess but a high Tax, such as I have already proposed.

' The Bill now before us, my Lords, will indeed by no Means obstruct the moderate Use, because it will give an unbounded Licence to the most luxurious Excess ; if therefore nothing more be intended in the Committee than to consider, how far this Bill will promote the Reformation of the People, it is surely not necessary to engage in any farther Inquiries.

' It has appeared already to all those who do not obstinately shut their Eyes, that there is in it no Provision for the Prevention of that Abuse of Spirits which universally prevails. It has appeared, that the Cheapness of Licences will not hinder the present Retailers from carrying on an illegal Trade ; that Information will not now be more safe or more frequent than before ; and that the Duty, if not in part evaded, may yet be probably abated from the present Profits of the Sale.

' It has appeared, my Lords, that no Effect can be produced by this Bill but the Promotion of Debauchery, the Encrease of Drunkenness, and the Decay of Industry.

' But that this Bill will not produce, at least for some Time, a large Addition to the public Revenues, has not yet been proved ; and while it is allowed that it will raise Money, I do not wonder to hear it steadily defended, because nothing more is expected from it. But as I have not yet conversed enough with State'smen, to persuade myself that the Government ought to be supported by Means contrary to the End for which Government is instituted, I am still convinced that this Bill ought to be rejected with Contempt ; because it will lessen the Wealth of the Nation without any equivalent Advantage, and will at once impoverish the People and corrupt them.

Then the Earl of *Islay* stood up, and spoke as follows :

*My Lords,*

Earl of *Islay*. ' I cannot but be of Opinion that this Debate has been carried

carried on with a Vehemence by no Means necessary ; and *An. 16. Geo. II.*  
 that the Question has been perplexed by a mistaken Zeal ; *1742.*  
 that the Effects of this Bill have been exaggerated perhaps on  
 both Sides, and that the Opinions which have been form'd  
 with relation to it are not really so opposite as they appear.

Those who oppose the Bill think the Duty upon Spirits  
 not so high as to hinder that Debauchery which so much  
 prevails among us ; and those that vindicate it, declare that  
 more violent Restraints will not be borne. Both Parties  
 have Reason, and the Patrons of the Bill have likewise Ex-  
 perience on their Side.

But, my Lords, though severe Restraints suddenly oppos-  
 ed to the Habits and Inclinations of the People may be brok-  
 en through by restless Struggles and obstinate Resistance, yet  
 the same Laws introduced by proper Degrees will be pati-  
 ently obey'd ; this therefore may be very properly considered  
 as the first Tax necessary to be laid, which though it may  
 produce no great Effects in itself, may at least make Way for  
 a second that shall be more sensibly felt ; till at length these  
 fatal Spirits shall be raised to a Price at which few will be  
 able, and none willing to purchase.

But it is not impossible that even this Tax, with the  
 other Provisions in the Bill, may produce the Reformation  
 which is unanimously desired ; and as Violence should never  
 be used till gentle Methods have been tried, this Bill ought,  
 in my Opinion, to be passed, and therefore to be referred to  
 a Committee without farther Debate ; for it will be thought  
 both by our Allies and our Enemies that a great Part of this  
 House is very indifferent about the Success of the War, if  
 we delay the Supplies by disputing in what Manner they  
 shall be raised.

The Question being then put on the Motion for commit-  
 ting the Bill, it was resolv'd in the Affirmative.

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The Bill relating  
 to Spirituous Li-  
 quors committed.

Lord *De la War* was Teller for the Bill, and Lord *Her-*  
*vey* against it. Of the latter were ten Bishops, being all that  
 were then in the House.

The Earl of *Chesterfield* perceiving the Reverend Bench  
 approaching, is said to have express'd his Doubt, whe-  
 ther he had not got on the wrong Side of the Question ; be-  
 cause, said his Lordship, ' I have not had the Honour of being  
 in the Company of so many Lawn Sleeves for several Years.

*Feb. 23.* The Lords read a second Time the Bill touching  
 the Election of Members for *Scotland*, and to restrain the  
 Partiality of returning Officers at Elections.

The

An. 16. Geo. II.  
1742.

Debate there-  
upon in a grand  
Committee.

The next Day in a grand Committee, they took into Consideration the Bill relating to Spirituous Liquors. The Title thereof being read, was postponed : Then the Preamble was read, viz. ' Whereas great Difficulties and Inconveniences ' had attended the putting the Act 9 G. II. in Execution, and ' the same had not been found effectual to answer the Pur- ' poses intended ; the Commons being desirous to raise the ' necessary Supplies in the easiest Manner, do grant the ' Rates on Spirituous Liquors hereafter mentioned, and ' repeal the present Rates.'

Hereupon the Lord *Hervey* stood up, and spoke as follows :  
My Lords,

Lord *Hervey*.

' Notwithstanding the specious Arguments, which were used to influence the House to permit this Bill to escape the Censure it deserved, and be admitted to a further Examination in a Committee ; I am still confident that nothing can justly be offered in its Defence : And I am not afraid to declare my Opinion, that it is not approved even by those who vindicate it, of whom I cannot but believe from long Experience of their Judgment and their Knowledge, that they consider it only as an easy Manner of raising Money ; as an Expedient, rather necessary than eligible, and such as only the Exigencies of the Government could have prevailed upon them to propose ; for nothing is more evident, than that it cannot answer the Purposes of the former Bill.

' The Conduct of those whose Station subjects them to the Repentment of the Ministry, or who may be reasonably imagined to expect Favours from them, has, throughout all our Deliberations on this Bill, been such as evidently discovers their only Care to be the Imposition of a new Tax, and the Establishment of a new Fund. They do not seem to urge seriously any other Argument than the Necessity of raising Money ; or to oppose the Objections that have been offered for any other Reason than because they have a Tendency to obstruct the Supplies.

' No other Argument can indeed be urged in Vindication of a Bill, which every Principle of Policy or Justice must incite us to condemn ; a Bill by which the Sense of Morality and Religion will be extinguished, and the Restraints of Law made ineffectual ; by which the Labourer and Manufacturer will be at once debilitated and corrupted, and by which the Roads will be filled with Thieves, and the Streets with Beggars.

' It appears, my Lords, from the Papers on the Table that seven Millions of Gallons are every Year distill'd ; and Experience shews us, that the Quality of the Liquor is such

that

that a Quarter of a Pint is sufficient to intoxicate the Brain. An. 16. Geo. II.  
 Upon this Computation, my Lords, it is reasonable to believe  
 that a twentieth Part of the labouring Hands of this Nation  
 are detained from their proper Occupations by this Kind of  
 Drunkenness ; and consequently that a twentieth Part of the  
 Trade is every Year lost, or perhaps a twentieth Part of our  
 People every Year hurried to the Grave, or disabled from  
 contributing to the publick Good.

1742.

‘ These, my Lords, are no doubtful Facts or conjectural  
 Calculations ; they are confirmed by the most incontestable  
 Evidence, and established by all the Demonstration of Arith-  
 metick.

‘ These Facts, my Lords, are so plain that the warmest  
 Advocates for the Bill have tacitly acknowledged them, by  
 proposing that, if it be found ineffectual, it shall be amend-  
 ed in the next Session: What Effect this Proposal may have  
 upon others I know not, but, for my Part, I shall never  
 think it allowable to sport with the Prosperity of the Pub-  
 lick, or to try Experiments by which, if they fail, the Lives  
 of Thousands must be destroyed.

‘ Such a Scheme, my Lords, very ill becomes those to  
 whom their Ancestors have transmitted the illustrious Cha-  
 racter of Guardians of the People. No Man ever before con-  
 ceived the Design of scattering Poison for a certain Period  
 of Time among the People, only to try what Havock it  
 would make.

‘ What will be the Effects of unrestrained and licensed  
 Debauchery may be known, without the Guilt of so dread-  
 ful an Experiment, only by observing the present Con-  
 duct of the People, even while they are hindered from the  
 full Enjoyment of their Pleasures, by the Terrors of the  
 Penal Law. Whoever shall be so far touched with the In-  
 terest of the Publick as to extend his Enquiries to the lowest  
 Classes of the People, he will find some diseased, and others  
 vitiated ; he will find some imprisoned by their Creditors,  
 and others starving their Children ; and if he traces all these  
 Calamities and Crimes to their original Cause, will find them  
 all to proceed from the Love of distilled Spirits.

‘ I know, my Lords, that in Answer to all these Ex-  
 postulations and a Thousand more, it will be urged by the  
 Ministers and their Friends, that there is no other Method  
 to be found of raising the Supplies, and that the Demands  
 of the Government must be satisfied at whatever Rate, and  
 by whatever Means.

‘ Though I am very far from approving this Assertion, I  
 do not wonder at its Prevalence among those who are en-  
 riched

Ann. 16. Geo. II.  
1742.

enriched by every Tax, and whose only Claim to the Preferments which they enjoy, arises from their Readiness to concur in every Scheme for encreasing the Burthens of the Publick ; and therefore I shall never expect their Approbation of any Proposal, by which a new Tax may be retarded. Yet I cannot but declare that, in my Opinion, we ought to suspend our Proceedings, that the Commons may discover what Danger their Negligence, Precipitation or blind Compliance has brought upon the Nation ; and that the People may, by so signal a Proof of our Disapprobation, be alarmed against any Attempt of the same Kind under any future Administration.

‘ This, my Lords, will be considered, not only by Posterity, but by all the wise and honest Men of the present Time, as a Proof of our Regard to Virtue and our Attention to the publick Welfare. This Conduct will be secretly approved, even by those who may think themselves obliged to oppose it in Publick ; and, as it will be moderate and decent, may probably preserve the Nation without irritating the other House.

‘ I therefore move, my Lords, that instead of proceeding in the Form of a Committee, we should resume the House, and endeavour to obtain farther Information.

The Earl of *Gholmondeley* spoke to this Effect.

*My Lords,*

Earl of Cholmondeley.

‘ The Observations which, though sufficiently explained and enforced in the late Debate, the noble Lord has been pleased to repeat on this Occasion, are in themselves, indeed pertinent, and have been urged by his Lordship with uncommon Spirit and Elegance ; but he ought to have reflected, that general Declamations are improper in a Committee, where the particular Clauses of the Bill are to be separately considered.

‘ I propose, therefore, that instead of wasting that Time, in useless Rhetorick, and untimely Vehemence, we should proceed to examine, in Order, the distinct Paragraphs of this Bill, by which it may more easily appear, whether it ought to be rejected or approved.

‘ It cannot, indeed, be proposed that any of the Clauses shall be amended in this Committee ; for the Claims of the Commons, and the Obstinacy with which they have always adhered to them, on whatever they are founded, is well known. I am old enough to remember the Animosities which have arisen between the two Houses from Attempts to adjust this Part of their Pretensions ; Animosities which

at this Time may be not only dangerous to ourselves, but fatal to a great Part of Mankind; and which it ought therefore to be our utmost Care to prevent.

An. 16. Geo. II.  
1742.

The Earl of *Aylesford* spoke next.

*My Lords,*

Though the Consideration of the distinct Paragraphs of the Bill, be, as the noble Lord has very justly observed, the proper Business of the Committee; yet since, as he has likewise observed, the present State of our Affairs requires unusual Expedition, I think we may properly spare ourselves the Trouble of considering Paragraphs which we cannot amend; and which are in themselves so clear and so obvious, that they may be understood in their full Extent upon a cursory Perusal.

But, my Lords, though I think it not proper to follow our usual Method of considering the Paragraphs distinctly, which can only drive the Bill forward towards the third Reading, as it has already been forced into the Committee; yet I think it not necessary to irritate the other House, alarm our Allies, or encourage our Enemies, by rejecting that Bill by which it is intended that the Supplies shall be raised. There is an easy and moderate Method by which the same End may be attained without any Disturbance of the Publick, any Impediment of the Schemes of the Government, or any just Offence to the Commons.

Instead of passing or rejecting this Bill, of which the first is absolutely criminal, and the second perhaps improper, let us only delay it. By this we shall give the Commons Time to reflect upon it, to re-examine it, and discover, what they perhaps have not hitherto suspected, its destructive Tendency. Nor can it be doubted but the Observations which will arise from the Necessity of enquiring into the Reasons of our Conduct, will soon induce them to form another Bill not liable to the same Objections; I therefore second the noble Lord's Motion to resume the House.

The Earl of *Illy* spoke next.

*My Lords,*

If we consider the Pretensions of the Commons, and the Stubbornness with which they have hitherto adhered to them, we shall easily find the Impropriety of the noble Lord's Motion, and foresee the Inefficacy of the Methods which he so warmly recommends.

The Alarm which he supposes us to give the Commons by postponing the Bill before us, the Observations which they will make upon our Conduct, the new Informations

An. 16. Geo. II.  
1742.

which they will receive, and the new Bill which they will send, are merely imaginary. They will not consider themselves as concerned in the Delay or Expedition of our Procedure, but will suppose us to act upon our own Reasons which it is not necessary for them to examine, and will by no Means send another Bill for Supplies, till they are informed that this is rejected.

‘ Thus, my Lords, we shall only retard the Supplies without altering or being able to alter the Method of raising them; and at last pass the Bill, without Examination, which we now neglect to examine, lest we should pass it; or perhaps irritate the Commons by the Novelty of our Conduct, which, if they should resolve to consider it, they will probably consider only to censure.

The Earl of *Aylesford* spoke next to the following Effect :

*My Lords,*

E. of Aylesford.

‘ I am no Stranger to the Claims of the Commons to the sole and independent Right of forming Money-Bills, nor to the Heat with which that Claim has been asserted, or the Firmness with which it has always been maintained in late Parliaments. Nor am I ignorant that by contesting this Claim, we have sometimes excited Disputes which nothing but a Prorogation could appease.

‘ I know, my Lords, and allow, that by acting in any unusual Manner with regard to Bills of this Kind, we may excite the Resentment of the Commons, and that some Interruption of the publick Business may, for want of Candour and Moderation, possibly ensue.

‘ But, my Lords, I cannot think the Possibility of an ill Consequence an Argument sufficient to shew the Unreasonableness of my Proposal; for the Inconveniences that may arise from postponing the Bill, are only possible; but the Calamities that we shall bring upon our Country by passing it are certain.

‘ But we are likewise to consider, my Lords, that these Events, of which it can only be said that they may happen, may also not happen. When I reflect that the House of Commons is an Assembly of the Representatives of the *British* People; of Men who will share the Calamities of the Publick, and whose Interest it is, equally with ours, to prevent the Destruction of our Commerce, the Decay of our Manufactures, the Corruption of the present Age, and the Ruin of Posterity; I cannot but hope that they will apply themselves to a candid Review of the Bill which they have sent, and without Heat, Jealousy or Disputes explain it as they may  
do

do by another, which will be no Deviation from the Rules which they have established for themselves, and by which they may secure the Happiness of their Country without receding from their own Pretensions.

An. 16. Geo. II.

1742.

The Duke of Bedford spoke next to the following Effect :

*My Lords,*

‘ The Proposal made by the noble Lord appears to me so prudent and equitable, so moderate and so seasonable, and, in my Opinion, suggests so easy a Method of reconciling the Pretensions of the Commons with the Necessity of amending the Bill, that I cannot but think it worthy of the unanimous Approbation of your Lordships. Duke of Bedford.

‘ I am very far from conceiving the Commons to be an Assembly of Men deaf to Reason, or imagining them so void of all Regard for the Happiness of the Publick, as that they will sacrifice it to an obstinate Adherence to Claims which they cannot but know to be in themselves disputable ; and which they must, at least, allow that they are only so far just as they contribute to the great End of Government, the general Good,

‘ But lest they should by any unseasonable Obstinacy attend more to the Preservation of their own Power, than to the Promotion of the Happiness of their Constituents, a Method is now proposed by which the Errors of this Bill may be corrected, without any Concession of their House. The Commons may easily be informed of the Dangers which are justly dreaded from this Bill ; and may therefore prepare another by which a Tax of the same Kind may be laid without a general Licence of Drunkenness ; or if a Method of laying a Duty upon these Liquors, which may at once hinder their excessive Use, and encrease the Revenue of the Government, cannot be discovered, they may raise the Supplies for the Year by some other Scheme.

Lord Carteret spoke next as follows :

*My Lords,*

‘ As the Expedient proposed by these noble Lords, however it may be recommended, as being at once moderate and efficacious, has in Reality no other Tendency than to procure an absolute Rejecting of this Bill, it is proper to consider the Consequence which may be reasonably expected from the Measures which they have hitherto proposed. Lord Carteret.

‘ In order to the effectual Restraint of the common People from the Use of these pernicious Liquors, they assert the Necessity of imposing a very large Duty to be paid by the Distiller :



An. 16. Geo. II. This might, indeed, produce in some Degree the Effect which they expect from it, but would give Rise to innumerable Frauds and Inconveniencies.

1742.

‘ The immediate Consequence of a heavy Duty would be the Ruin of our Distillery, which is now a very extensive and profitable Trade, in which great Multitudes are employed, who must instantly, upon the Cessation of it, sink into Poverty. Our Stills, my Lords, not only supply our Natives with Liquors which they used formerly to purchase from foreign Countries; and therefore encrease, or at least preserve the Wealth of our Country; but they likewise furnish large Quantities for the Exportation to *Guernsey, Jersey*, and other Places. But no sooner will the Duty proposed to be laid upon this Liquor take Place, than all this Trade will be at an End; those who now follow it will be reduced to support themselves by other Employments; and those Countries in which our Spirits are now drank, will be soon supplied from other Nations with Liquors at once cheaper and more pleasant.

‘ It may be proposed as an Expedient for the Preservation of our foreign Trade, that the Duty shall be repaid upon Exportation; but the Event of this Provision, my Lords, will be, that great Quantities will be sent to Sea for the Sake of obtaining a Re-payment of the Duty, which, instead of being sold to Foreigners, will be privately landed again upon our own Coasts.

‘ Thus, my Lords, will the Duty be collected, and afterwards repaid; and the Government will suffer the Odium of imposing a severe Tax, and incur the Expence of employing a great Number of Officers without any Advantage to the Publick. Spirits will, in many Ports of the Kingdom, be very little dearer than at present, and Drunkenness and Debauchery will still prevail.

‘ That these Arts and a Thousand others will be practised by the People to obtain this insatiable Liquor, cannot be doubted. It cannot be imagined, that they will forbear Frauds, who have had Recourse to Violence, or that those will not endeavour to elude the Government who have already defied it.

‘ Every rigorous Law will be either secretly evaded or openly violated, every severe Restraint will be shaken off either by Artifice or Vice; nor can this Vice, however dangerous or prevalent, be corrected but by slow Degrees, by straightening the Reigns of Government imperceptibly, and by superadding a second slight Restraint, after the Nation has been for sometime habituated to the first.

‘ That

‘ That the Government proceeds by these easy and gentle Methods of Reformation, ought not to be imputed to Negligence but Necessity ; for so far has the Government been from any Connivance at this Vice, that an armed Force was necessary to support the Laws which were made to restrain it, and secure the chief Persons of the State from the Insults of the Populace, whom they had only provoked by denying them this pernicious Liquor.

An. 16. Geo. II.  
1742.

‘ Since therefore, my Lords, all Opposition to this predominant Inclination has appeared without Effect ; since the Government evidently wants Power to conquer the united and incessant Struggles for the Liberty of Drunkenness ; what remains but that this Vice should produce some Advantage to the Publick, in Return for the innumerable evils which arise from it, and that the Government should snatch the first Opportunity of taxing that Vice which cannot be reformed ?

‘ This Duty arises, indeed, from a Concurrence of different Causes, of just Designs in the Government, and of bad Inclinations in the People. The Tax is just and well meant, but it can be made sufficient to support the Expences to which it is appropriated, only by the Resolution of the Populace to continue in some Degree their usual Luxury.

‘ I am far, my Lords, from thinking this Method of raising Money eligible for its own Sake, or justifiable by any other Plea than that of Necessity. If it were possible at once to extinguish the Thirst of Spirits, no Man who had any Regard for Virtue, or for Happiness, would propose to augment the Revenue by a Tax upon them.

‘ But, my Lords, Rigour has been already tried, and found to be vain ; it has been found equally fruitless to forbid the People to use Spirits as to forbid a Man in a Dropsy to drink. The Force of Appetite long indulged, and by Indulgence made superior to the Controul of Reason, is not to be overcome at once ; it cannot be subdued by a single Effort, but may be weakened ; new Habits of a more innocent Kind may in Time be superinduced, and one Desire may counterbalance another.

‘ We must endeavour, my Lords, by just Degrees to withdraw their Affections from this pernicious Enjoyment, by making the Attainment of it every Year somewhat more difficult ; but we must not quicken their Wishes and exasperate their Resentment by depriving them at once of their whole Felicity. By this Method, my Lords, I doubt not but we shall obtain what we have hitherto endeavoured with so little Success ; and I believe that though, in open Defiance

An. 16. Geo. II. 1742. { *ance of a severe Law, Spirits are now sold in every Street of this City, a gentle Restraint will, in a short Time divert the Minds of the People to other Entertainments, and the Vice of drinking Spirits will be forgotten among us.*

Lord *Hervey* then rose up again, and spoke to the Effect following :

*My Lords,*  
 Lord *Hervey*. ‘ Though I have always considered this Bill as at once wicked and absurd, I imagined till now that the Projectors of it would have been able to have argued, at least, speciously, though not solidly, in Defence of it ; nor did I imagine it to have been wholly indefensible, till I discovered how little the extensive Knowledge, the long Experience, and the penetrating Foresight of the noble Lord who spoke last, enabled him to produce in Vindication of it.

‘ His Lordship’s Argument is reducible to this single Assertion, that the drinking distilled Liquors cannot be prevented ; and from thence he drew this Inference, that since it is a Point of Wisdom to turn Misfortunes to Advantage, we ought to contrive Methods by which the Debauchery of the People may enrich the Government.

‘ Though we should suppose the Assertion true in any Sense below that of absolute physical Impossibility, the Inference is by no Means just ; since it is the Duty of Governors to struggle against Vice, and promote Virtue with incessant Assiduity, notwithstanding the Difficulties that may for a Time hinder the Success of the wisest Measures. That Governor who desists from his Endeavours of Reformation, because they have been once baffled, in reality abandons his Station, and deserts his Charge ; nor deserves any other Character than that of Laziness, Negligence or Cowardice.

‘ The Preservation of Virtue where it subsists, and the Recovery of it where it is lost, are the only valuable Purposes of Government. Laws which do not promote these Ends are useless, and those that obviate them are pernicious. The Government that takes Advantage of wicked Inclinations, by Accident predominant in the People, and, for any temporary Convenience, instead of leading them back to Virtue, plunges them deeper in Vice, is no longer a sacred Institution, because it is no longer a Benefit to Society. It is from that Time a System of Wickedness, in which bad Ends are promoted by bad Means, and one Crime operates in Subordination to another.

‘ But, my Lords, it is not necessary to shew the Unreasonableness of the Inferences, because the Assertion from which

which it is deduced cannot be proved. That the excessive Use of distilled Liquors cannot be prevented, is a very daring Paradox, not only contrary to the Experience of all past Times, but of the present; for the Law, which is now to be repealed, did in a great Degree produce the Effects desired from it, till the Execution of it was suspended, not by the Inability of the Magistrates or Obstinacy of the People, but by the Artifice of Ministers who promoted the Sale of Spirits secretly for the same Reason, which incites our present more daring Politicians to establish the Use of them by a Law.

An. 16. Geo. II.  
1742.

‘ The Defects of this Law, for that it was defective cannot be denied, were in the Manner of levying the Duty; for had half the Duty that was demanded from the unlicensed Retailers, been required from the Distiller, there had been no Need of Informations, nor had we been stunned with the dismal Accounts of the Rage and Cruelty of the People, or the violent Deaths of those who endeavoured to grow rich by commencing Prosecutions. The Duty had been regularly paid, the Liquors had been made too dear for common Use, and the Name of Spirits had been in a short Time forgotten amongst us.

‘ From this Defect, my Lords, arose all the Difficulties and Inconveniences that have impeded the Execution of the Law, and prevented the Effects that were expected from it, and by one Amendment they might be all removed.

‘ But, instead of endeavouring to improve the Efficacy of the Remedy which was before proposed for this universal Malady, we are now told that it was too forcible to take Effect, and that it only failed by the Vigour of its Operation. We are informed, that the Work of Reformation ought not to be dispatched with too much Expedition; that Mankind cannot possibly be made virtuous at once; and that they must be drawn off from their Habits by just Degrees, without the Violence of a sudden Change.

‘ What Degrees the noble Lord proposes to recommend, or what Advantage he expects from allowing the People a longer Time to confirm their Habits, I am not able to discover. He appears to me rather to propose an Experiment than a Law; and rather to intend the Improvement of Policy than the Safety of the People.

‘ This Experiment is, indeed, of a very daring Kind, in which not only the Money but the Lives of the People are hazarded: Their Money has, indeed, in all Ages been subject to the Caprices of Statesmen; but their Lives ought to be exempt from such dangerous Practices; because, when  
once

An. 16. Geo. II.  
1742.

once lost, they can never be recovered. By this Bill, however, it is contrived to lay Poison in the Way of the People, Poison which we know will be eagerly devoured by a fourth Part of the Nation, and will prove fatal to a great Number of those that taste it ; nor is any Defence made of this Project, but, that since the People love to swallow Poison, it may be of Advantage to the Government to sell it.

‘ It might not be improper, my Lords, to publish to the People, by a formal Proclamation, the benevolent Intentions of their Governors ; and inform them, that licensed Murderers are to be appointed, at whose Shops they may infallibly be destroyed, without any Danger of legal Censures, provided they take Care to use the Poison prescribed by the Government, and encrease by their Death the publick Revenue.

‘ That Money only is desired from this Bill, is not only obvious from the first Perusal of it, but confessed even by those who defend it ; but not one has continued to assert, that it will produce a Reformation of Manners or recommend it otherwise than as an Experiment.

‘ For this Reason, my Lords, I still think my Motion for postponing the Bill very reasonable ; nor do I make any Scruple to confess that I propose by postponing, only a more gentle and inoffensive Method of dropping it, that some other Way of raising the Supplies may be attempted, or that the Duty may be raised to three Shillings a Gallon ; the lowest Tax that can be laid with a Design of Reformation.

‘ This Method, my Lords, or any other by which another Bill may be procured, should be pursued ; for whatever Scheme the Commons may substitute, the Nation can suffer nothing by the Change, they cannot raise Money in any other Manner, with more Injury to the Publick ; since, the greatest Calamity which wrong Measures can possibly produce, is the Propagation of Wickedness, and the Establishment of Debauchery.

The Earl of Bath then spoke in Substance as follows :

*My Lords,*

Earl of Bath.

‘ That this Bill is, with great Propriety, called an Experiment, I am ready to allow, but do not think the Justness of that Expression any forcible Argument against it ; because I know not any Law that can be proposed for the same End, without equally deserving the same Appellation.

‘ All the Schemes of Government, my Lords, have been perfected by slow Degrees, and the Defects of every Regulation supplied by the Wisdom of successive Generations. No

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Man has yet been found, whose Discernment, however penetrating, has enabled him to discover all the Consequences of a new Law, nor to perceive all the Fallacies that it includes, or all the Inconveniences that it may produce ; the first Essay of a new Regulation is therefore only an Experiment made, in some Degree, at Random ; and to be rectified by subsequent Observations, in making which, the most prudent Conduct is only to take Care that it may produce no ill Consequences of great Importance, before there may be an Opportunity of reviewing it

An. 16. Geo. II.

1742.

‘ This Maxim, my Lords, is, in my Opinion, strictly regarded in the present Attempt, which in itself is an Affair of very great Perplexity. The Health and Virtue of the People are to be regarded on one Part, and the Continuance of a very gainful and extensive Manufacture on the other ; a Manufacture by which only, or chiefly, the Produce of our own Nation is employ’d ; and on which, therefore, the Value of Lands must very much depend.

‘ Manufactures of this Kind, my Lords, ought never to be violently or suddenly suppress’d \*. If they are pernicious to the Nation in general, they are at least useful to a very great Part, and to some who have no other Employment, necessary ; and in a Design of putting a Stop to any detrimental Trade, Care is always to be taken, that the Inconvenience exceed not the Benefit, and Time be allowed for those that are engaged in it to withdraw to some other Business ; and for the Commodities that are consumed by it, to be introduced at some other Market, or directed to some other Use.

‘ These Cautions are in this Bill very judiciously observ’d. The Trade, which all allow to administer Supplies to Debauchery, and Fuel to Diseases, will, by the Provisions in this Bill, sink away by Degrees, and the Health and Virtue of the People will be preserved or restored without Murmurs or Commotions.

‘ We must consider likewise, my Lords, the Necessity of raising Supplies, and the Success with which they have hitherto been raised upon the Scheme which is now under your Consideration.

‘ In examining the Necessity of procuring Supplies, I shall not expatiate upon the present Danger of the Liberties of all this Part of the World ; upon the Distress of the House of *Austria*, the Necessity of preserving the Balance of Power,

or

\* See his Lordship’s Speech when a Member of the House of Commons, against Sir Joseph Jekyll’s Motion for bringing in the Act, the Repeal whereof is the Subject of the present Debate, in CRANDLER’S History of the House of Commons, Anno 9, George II.

An. 16. Geo. II. or the apparent Designs of the ancient and incessant Disturbers of Mankind ; Topicks which have been on former Occasions sufficiently explained.

1742.

‘ It is now only necessary to observe, that the State of our Affairs requires Expedition, and that a happy Peace can only be expected from a successful War, and that War can only be made successful by Vigour and Dispatch.

‘ If by liberal Grants of Money, and ready Concurrence in all necessary Measures, we enable his Majesty to raise a powerful Army, there is no Reason to doubt that a single Campaign may produce Peace, that it may establish the Liberties of *Europe*, and raise our Allies who were so lately distressed, to their former Greatness.

‘ These Supplies, my Lords, which are so evidently necessary, may, by the Method now proposed, be easily, speedily, and cheaply raised. Upon the Security which this Act will afford, large Sums are already offered to the Government at the low Interest of three *per Cent.* by those who, if the Conditions of the Loan are changed, will perhaps demand four in a few Days, or raise Money by a Combination to the Rate of five or six. I need not remark how much this will embarrass the publick Measures, or how much it will encourage our Enemies to an obstinate Resistance.

‘ Such, my Lords, are the Inconveniences to be feared from rejecting this Bill, or from postponing it, by which is plainly intended only a more gentle and tender Manner of rejecting it ; by hinting to the Commons your Disapprobation of it, and the Necessity of sending up another, which you cannot do without hazarding the Peace of the Nation and the Fate of the War.

‘ The Commons who are not oblig’d to enquire what Reception their Bills find here, may perhaps not immediately prepare another, but suffer Time to elapse, till Necessity shall oblige us to comply with those Measures which we cannot approve.

‘ They may likewise, by a Kind of Parliamentary Craft, elude all our Precautions, and make the rejecting of the Bill ineffectual, as was once done, when a Bill for a Tax upon Leather was rejected ; the Commons, determining not to be directed in the Methods of raising Money, sent up the same Bill with only a small Alteration of the Title, to lay a Duty upon tann’d Hides, which the Lords were, for Want of Time, obliged to pass.

‘ But, my Lords, should the other House discover in this single Instance, any uncommon Degree of Flexibility and Complaisance, should they patiently endure the rejecting of the

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the Bill, admit the Validity of the Reasons upon which your Lordships have proceeded, and willingly engage in drawing up a new Scheme for raising Supplies ; even upon this Supposition, which is more favourable than can reasonably be formed, the Business of the Year will be very much perplexed, and the new Bill hurried into a Law without sufficient Caution or Deliberation.

An. 16. Geo. III.  
1742.

‘ The Session is now, my Lords, so far advanced, that many of the Commons have retir’d into the Country, whose Advice and Assistance may be necessary in the Projection of a new Money Bill, so that the new Bill must be form’d in a short Time and a thin House ; and indeed the Multiplicity of Considerations necessary to another Bill of this Kind is such, that I cannot think it prudent to advise or undertake it.

‘ The Committee on Ways and Means must strike out another Scheme for a considerable Impost, which in the present State of the Nation, is in itself no easy Task. This Scheme must be so adjusted as to be consistent with all the other Taxes, which will require long Consultations and accurate Inquiries. It must then struggle perhaps through an obstinate and artful Opposition, before it can pass through the Forms of the other House, and when it comes before your Lordships, may be opposed with no less Zeal than the Bill before us, and perhaps likewise with equal Reason.

‘ All these Dangers and Difficulties will be avoided, by trying, for a single Year, the Experiment which is now proposed ; and which, if that should fail, may be better adjusted in the Time of Leisure, which the Beginning of the next Session will undoubtedly afford ; before which Time I am afraid no Amendment can possibly be made.

‘ It has been proposed indeed by the noble Lord, that three Shillings should be laid upon every Gallon of distill’d Liquors, which would undoubtedly lessen the Consumption, but would at the same Time destroy the Trade ; a Trade from which large Profits may be in Time gained ; since our Distillers have now acquired such Skill, that the most delicate Palate cannot distinguish their Liquors from those which Foreigners import.

‘ If the Duty be raised to the Height proposed, it must be allowed to be re-paid for all that shall be exported ; otherwise Foreign Nations will deprive us of this Part of our Trade ; and it has been already shewn, that by mock Exportations the Duty may be frequently evaded.

‘ Thus, my Lords, there will be Difficulties on either Hand ; if a Duty so high be paid, the Manufacturer will be ruined, if it be evaded, the Consumption will be lessened.

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An. Geo. 16. II.

1742.

' One Inconvenience will easily be discover'd to be the necessary Consequence of any considerable Advance of the Price. We may be certain that an Act of Parliament will not moderate the Passions, or alter the Appetites of the People; and that they will not be less desirous of their usual Gratifications, because they are denied them. The Poor may indeed yield to Necessity, unless they find themselves able to resist the Law, or to evade it, but those who can afford to please their Taste, at a greater Expence, will still riot as before, but with this Difference, that their Excesses will produce no Advantage to the Publick.

' If an additional Duty of three Shillings be laid upon every Gallon of distill'd Liquors, the Product of our own Distillery will be dearer than those Liquors which are imported from Foreign Parts; and therefore it cannot but be expected that the Money which now circulates amongst us, will in a short Time be clandestinely carried into other Countries.

' Such, my Lords, will be the Effect of those Taxes which are so strongly recommended; and therefore they ought not to be imposed till all other Methods of Proceeding have been found ineffectual.

' It is possible indeed that the Regulation specified in this Bill, may not produce any beneficial Effect; and that the present Practice of Debauchery may still continue among the People; but it is likewise possible that this Tax may, by increasing the Price, augment the Revenue at the same Time that it lessens the Consumption.

' This Proposal has by some Lords been treated as a Paradox; but they certainly suspected it of Falshood, only for Want of Patience to form the Calculations necessary in such Disquisitions. The Tax of the last Year amounted to 170,000 l. This Tax is now doubled, so that the same Quantity would produce 340,000 l. but if one third less should be consumed, the present Tax will amount to no more than 220,000 l. and when 50,000 Licences are added, the Revenue will gain 100,000 l. though one third Part of the Consumption should be hindered.

' But, my Lords, supposing no Part of the Consumption hindered, I cannot think that Bill should be rejected, which in a Time of Danger like the present, shall add to the public Revenue an annual Income of more than 200,000 l. without lessening any Manufacture, without burthening any useful or virtuous Part of the Nation, and without giving the least Occasion to any Murmurs among the People.

' It is to be remembered, my Lords, that whatever Corruption shall prevail amongst us, it cannot be imputed to this Bill,

Bill, which did not make, but found the Nation vitiated, and only turned their Vices to publick Advantage ; so that if it produces any Diminution of the Sale of Spirits, it is indifputably to be applauded as promoting Virtue. If the Sale of Spirits still continues the same, it will deserve some Degree of Commendation, as it will, at least, not contribute to the Increase of Vice, and as it will augment the Revenue without injuring the People ; for how, my Lords, can we be censured for only suffering the Nation to continue in the State we found it ?

An. 16. Geo. II.  
1742.

Then Lord Talbot stood up and spoke as follows :

*My Lords,*

‘ If we consider the Tendency of the Argument used by Lord Talbot, the noble Lord, the only Argument on which he appears to lay any Stress, it will prove, if it proves any Thing, what cannot be admitted by your Lordships, without bidding farewell to Independency, and acknowledging that you are only the Substitutes of a higher Power.

‘ It appears by the Tenor of his Reasoning, that he considers this House as only oblig’d, in Questions relating to Supplies, to ratify the Determinations of the other, to submit implicitly to their Dictates, and receive their sovereign Commands, without daring either to refuse Compliance, or delay it.

‘ If we join the Reasoning of the noble Lord who spoke last to that of one who spoke before in Favour of the Bill, we shall be able to discover the full Extent of our Power on these Occasions ; the first was pleased to inform us, that tho’ we were at Liberty to examine the Paragraphs of this Bill, we had no Right, at least no Power to amend them ; because in Money-Bills, the Commons left us no other Choice than that of passing or rejecting them.

‘ This, my Lords, might have been thought a sufficient Contraction of those Privileges which your Ancestors transmitted to you ; and the Commons needed to have desired no farther Concessions from this House, since this was a publick Confession of a subordinate State, and admitted, either that Part of our ancient Rights had been given up, or that we were at present too much depressed to dare to assert them.

‘ We might, however, still comfort ourselves with the peaceful and uncontested Possession of the Alternative ; we might still believe that what we could not approve, we might reject, without irritating the Commons. But now, my Lords, a new Doctrine hath been vented among us ; we told, not only that we must not amend a Money-Bill,

but

Ah. 16. Geo. II.  
1742.

but that it will be to no Purpose to reject it, for that the other House will send it again without altering any Thing but the Title, and force it upon us when there is no Time for any other Expedient.

‘ If this, my Lords, should be done, I know not how the Bill might, at its second Appearance, be received by other Lords ; for my Part, I should vote immediately for rejecting it, without any alleviating or mollifying Expedients. I should reject it, my Lords, even on the last Day of the Session, without any Regard to the pretended Necessity of raising Supplies, and without suffering myself to be terrified into Compliance by the Danger of the House of *Austria* ; for though I think the Balance of Power on the Continent necessary to be preserved, at the Hazard of a Fleet or an Army, I cannot think it of equal Importance to us, with the Equipoise of our own Government ; nor can I conceive it my Duty to enslave myself to secure the Freedom of another.

‘ The Danger, therefore, of disgusting the Commons, at this or any other Juncture, shall never influence me to a tame Resignation of the Privileges of our own House ; nor shall I willingly allow any Force to those Arguments which are intended only to operate upon our Fears ; and therefore, unless there shall appear some better Plea in favour of this Bill, I shall think it my Duty to oppose it.

‘ The other Plea is the Difficulty, or in the Stile of the noble Lord who spoke last, the Impossibility of raising Supplies by any other Method. That it is not easy to raise Supplies by any new Tax in a Nation, where almost all the Necessaries of Life are loaded with Imposts, must be readily allowed ; but that it is impossible, the Folly of the People, which is at least equal to their Poverty, will not suffer me to grant.

‘ One other Expedient, at least, has been already discovered by the wonderful Sagacity of our new Ministers ; an Expedient which they cannot, indeed, claim the Honour of inventing, but which appears so conformable to the rest of their Conduct, and so agreeable to their Principles, that I doubt not but they will very often practise it, if the Continuance of their Power be long enough to admit of a full Display of their Abilities.

‘ Amidst their Tenderness for our Manufactures, and their Regard for Commerce, they have established a Lottery for 800,000 l. by which they not only take Advantage of an Inclination too predominant, an Inclination to grow rich rather by a lucky Hazard than successful Industry ; but give

up the People a Prey to Stock-jobbers, Usurers and Brokers of Tickets, who will plunder them without Mercy, by the Encouragement of those, by whom it might be hoped that they would be protected from Plunderers.

An. 16. Geo. H.

1742.

‘ All Lotteries, my Lords, are Games which are not more honest or more useful for being legal ; and the Objection which has been made to all other Games, and which has never yet been answered, will be found equally valid when applied to them. They engross that Attention which might be employed in improving or extending our Manufactures ; they swallow that Money which might circulate in useful Trade ; they give the Idle and the Diligent an equal Prospect of Riches ; and by conferring unexpected Wealth upon those who never deserved it, and know not how to use it, they promote Extravagance and Luxury, Insolence and Dissoluteness.

‘ But these Consequences, my Lords, and a Thousand others equally important, equally formidable, may be objected without Effect, against any Scheme by which Money will be raised ; Money ! the only End at which our Ministers have aimed for almost half a Century ; Money ! by which only they have preserved the Favour of the Court, and the Obedience of the Parliament ; Money ! which has supplied the Place of Wisdom at one Time, and of Courage at another.

‘ To gain Money, my Lords, they have injured Trade, by establishing a Lottery ; and they are now about to sacrifice the Health and Virtue of the People to the Preservation of a Trade, by which Money may be furnished to the Government : This, my Lords, is their only Design, however they may act, or whatever they may profess. If they endeavour to protect either the Trade or Lives of the People, it is only because they expect a Continuance of Taxes from them ; and when more desperate Measures are necessary for the same Purposes, they ruin their Trade by one Project, and destroy their Lives by another.

Lord *Londfale* spoke next to this Effect :

*My Lords,*

‘ It is not without the utmost Grief and Indignation, that I find this House considered by some who have spoken in Vindication of this Bill, as obliged to comply with every Proposal sent up by the Commons for raising Money, however destructive to the Publick, or however contrary to the Dictates of our Conscience, or Convictions of our Reason.

Lord *Londfale*.

‘ What is this, my Lords, but once more to vote ourselves

An. 16. Geo. II.

1742

selves useless? What but to be the first that shall destroy the Constitution of the Government, and give up that Liberty which our Ancestors established?

‘ That this is really the Design of any of the noble Lords, who have spoken in Vindication of the Bill, and have asserted the Necessity of passing it, without any Attempts to amend it, I am very far from affirming; but certainly, my Lords, this, and this only, is the Consequence of their Positions, with whatever Intention they may have advanced them; for how, my Lords, can we call ourselves independent, if we are to receive the Commands of the other House? Or with what Propriety can we assume the Title of Legislators, if we are to pass a Bill like this without Examination?’

‘ The Bill now before us, my Lords, is of the utmost Importance to the Happiness of that Nation, whose Welfare we have hitherto been imagined to superintend. In this Bill are involved not only the Trade and Riches, but the Lives and Morals of the *British* People; nor can we suffer it to pass unexamined, without betraying the Nation to Wickedness and Destruction.

‘ Should we, on this Occasion, suffer ourselves to be degraded from Legislators to Messengers from the Commons to the Throne; should we be content only to transmit the Laws which we ought to amend, and resign ourselves up implicitly to the Wisdom of those whom we have formerly considered as our Inferiors, I know not for what Purpose we sit here. It would be my Advice that we should no longer attempt to preserve the Appearance of Power, when we have lost the Substance, or submit to share the Drudgery of Government without partaking of the Authority.

‘ The Time of such Despair is, indeed, not yet arrived; but every Act of servile Compliance will bring it nearer; and, therefore, my Lords, for the Sake of ourselves, as well as of the People, I join in the noble Lord’s Motion for resuming the House, that farther Information may be obtained both by ourselves, by the Commons, and by the Nation.’

The Duke of *Newcastle* then rose, and spoke to the following Effect.

*My Lords,*

D. of *Newcastle*.

‘ I believe no Lord in this House is more zealous for the Advantage of the Publick than myself, or more desirous to preserve the Lives, or amend the Morals of the People; but I cannot think, that this Character can justly imply any Dislike of the Bill now before us.

‘ If I should admit what the noble Lord has asserted, that the Lives and Morals of the People are affected by this Bill, I cannot yet see that his Inference is just, or that our Compliance with the Motion is, therefore, necessary. An. 16. Geo. II.  
1742.

‘ That under the present Regulation the Miseries of the Nation are every Day encreased ; that Corruption spreads every Day wider, and Debauchery makes greater Havock, is confessed on all Sides ; and, therefore, I can discover no Reason for continuing the Laws in their present State, nor can think, that we ought to decline any Experiment by which that Disorder, which cannot be encreased, may possibly be lessened.

‘ It is confessed by the noble Lords who declare their Approbation of the Motion for postponing the Consideration of this Bill, that they intend nothing less than a gentle and tacit Manner of dropping it ; by shewing the Commons that, though to avoid Offence, they do not absolutely reject it, yet they cannot approve it, and will not pass it ; and that, therefore, the Necessity of raising Supplies requires that another Bill should be formed, not liable to the same Objections.

‘ The Consequences of this Procedure, my Lords, can only be, that either the Commons will form another Bill for raising Money ; or that they will send up this again, with a new Title, and such slight Alterations as not the Happiness of the Nation, but the Forms of Parliament, demand.

‘ If, in Return for our Endeavours to reform a Bill of which they think themselves the only constitutional Judges, they should send it again with only another Title ; what, my Lords, shall we procure by the Delay, but a new Occasion of Murmurs and Discontent, a new Confirmation of the Power of the Commons, and an Establishment of Parliamentary Chicanery, at once pernicious to the Publick, and ignominious to ourselves ?

‘ That the Commons, in sending back a Bill that has been rejected in this House, with only a Change in the Title, act contrary to the End of Parliamentary Institution, though consistently with their external Forms, cannot be denied : But as each House is without any Dependence on the other, such Deviations from the Principles of our Constitution, however injurious to our Authority, or however detrimental to the Nation, cannot be punished, nor otherwise prevented than by Caution and Prudence.

‘ If, therefore, the Commons, as they have formerly done, should return the Bill without Alteration, we shall only have impaired our own Authority, and shaken the Foundations of our Government, by a fruitless Opposition. Nor shall

An. 16. Geo. II.  
1742.

shall we gain any Advantage, though they should comply with our Expectation, and employ the little Time that remains, in contriving a new Tax ; for Corruption must then proceed without Opposition, the People must grow every Day more vicious, and Debauchery will, in a short Time, grow too general to be suppressed.

‘ With regard to the Bill before us, the only Question that is necessary or proper, is, whether it will promote or hinder the Consumption of distilled Liquors ? For, as to the Effects of those Liquors, those that vindicate, and that oppose this Bill, are of the same Opinion ; and all will readily allow, that if the Law now proposed shall be found to encrease the Consumption which it was intended to diminish, it ought immediately to be repealed, as destructive to the People, and contrary to the End for which it was designed ; but if the additional Duties shall produce any Degree of Restraint, if they shall hinder the Consumption, even of a very small Part, I think it must be allowed that the Provisions are just and useful, since it has already appeared that this Vice is too deeply rooted to be torn up at once ; and that, therefore, it is to be pruned away only by imperceptible Degrees.

‘ Whether the Provisions now offered in the Bill might not admit of Improvements, whether some other more efficacious Expedients might not be discovered ; and whether the Duties might not be raised yet higher, with more Advantage to the Publick, may undoubtedly admit of long Disputes and deep Inquiries ; but for these Inquiries and Disputes, my Lords, there is, at present, no Time : The Affairs of the Continent require our immediate Interposition, the general Oppressors of the Western World are now endeavouring to extend their Dominions, and exalt their Power beyond the Possibility of future Opposition ; and our Allies, who were struggling against them, can no longer continue their Efforts without Assistance.

‘ At a Time like this, my Lords, it is not proper to delay the Supplies by needless Controversies ; or, indeed, by any Disputes which may, without any great Inconvenience, be delayed to a Time of Tranquility ; a Time, when all our Inquiries may be prosecuted at Leisure, when every Argument may be considered in its full Extent, and when the Improvement of our Laws ought, indeed, to be our principal Care. At present it appears to me, that every Method of raising Money, without manifest Injury to the Morals of the People, deserves our Approbation ; and, therefore, that we ought to pass this Bill, though it should not much hinder the

the Consumption of Spirituous Liquors, if it shall barely appear that it will not increase it. An. 16. Geo. II.  
1742.

‘ It is at least proper, that, at this pressing Exigence, those that oppose the Bills by which Supplies are to be raised, should, by offering other Expedients, shew that their Opposition proceeds not from any private Malevolence to the Ministry, or any Prepossession against the publick Measures; but from a steady Adherence to just Principles, and an impartial Regard for the publick Good: For, it may be suspected, that he who only buies himself in pulling down, without any Attempts to repair the Breaches that he has made with more fit or durable Materials, has no real Design of strengthening the Fortification.

‘ It has been proposed, indeed, by one of the noble Lords, a Tax of three Shillings a Gallon should be laid upon all distilled Spirits, and collected by the Laws of Excise at the Still-Head, which would doubtless secure a great Part of the People from the Temptations to which they are at present exposed, but would at the same Time produce another Effect not equally to be desired.

‘ I have been informed, my Lords, upon mentioning this Proposal in Conversation, that such Duties will raise the Price of the Liquors distilled among us, above that of Foreign Countries; and that, therefore, not only all our Foreign Trade of this Kind would be immediately destroyed, but that many of those who now drink our own Spirits, only because they are cheaper, will then purchase those of Foreign Countries, which are generally allowed to be more pleasant.

‘ That this is really the State of the Affair I do not affirm, for I now relate only what I have heard from others; but surely, the Imposition of so heavy a Duty requires long Consideration; nor can it be improper to mention any Objections, the Discussion of which may contribute to our Information.

‘ But any other Regulations than those now offered, will require so many Enquiries, and so long Consultation, that the Parliament will expect to be dismissed from their Attendance, before any Resolutions are formed; and when once the Supplies are provided, we shall find ourselves obliged to leave the Law relating to Spirituous Liquors in its present State.

‘ Then, my Lords, will the Enemies of the Government imagine, that they have a new Opportunity of gratifying their Malignity, by censuring us as wholly negligent of the publick Happiness, and charge us with looking without Concern upon the Debauchery, the Diseases, and the Poverty of the People, without any Compassion of their Wants, or Care of their Reformation.

‘ That



An. 16. Geo. II.

1742.



‘ That to continue the present Law any longer, will be only to amuse ourselves with ineffectual Provisions, is universally allowed ; nor is there any Difference of Opinion, with regard to the present State of the Vice which we are now endeavouring to hinder. The last Law was well intended, but was dictated by Anger, and ratified by Zeal ; and therefore, was too violent to be executed, and, instead of Reforming, exasperated the Nation.

‘ No sooner, therefore, did the Magistrates discover the inflexible Resolution of the People, their furious Persecution of Informers, and their declared Hatred of all those who concurr’d in depriving them of this dangerous Pleasure, than they were induced, by Regard to their own Safety, to relax that Severity which was enjoined ; and were contented to purchase Safety by gratifying, or, at least, by not opposing those Passions of the Multitude, which they could not hope to controul : The Practice of drinking Spirits continued, and the Consumption was every Year greater than the former.

‘ This, my Lords, is the present State of the Nation ; a State sufficiently deplorable, and which all the Laws of Humanity and Justice command us to alter. This is the universal Declaration. We all agree, that the People grow every Day more corrupt, and that this Corruption ought to be stopped, but by what Means is yet undecided.

‘ Violent Methods and Extremity of Rigour have been already tried, and totally defeated ; it is, therefore, proposed to try more easy and gentle Regulations, that shall produce by slow Degrees, the Reformation which cannot be effected by open Force ; these new Regulations appear to many Lords not sufficiently coercive, and are imagined still less likely to reform a Vice so inveterate, and so firmly established.

‘ These Opinions I cannot flatter myself with the Hope of Reconciling ; but must yet observe, that the Consumption of these Liquors, as of all other Commodities, can only be lessened by proper Duties, and that every additional Imposition has a Tendency to lessen them ; and, since, so far as it extends, it can produce no ill Effects, deserves the Approbation of those who sincerely desire to suppress this odious Vice that has so much prevailed, and been so widely diffused.

‘ It is indeed possible that the Duties now proposed may be found not sufficient ; but for this Defect there is an easy Remedy. The Duty, if it be found, by the Experience of a single Year, to be too small, may, in the next, be easily augmented

augmented, and swelled by annual Increases, even to the An. 16. Geo. II. Height which is now proposed, if no Remedy more easy can be found. 1742.

‘ It may be objected, that this Fund will be mortgaged for the Payment of the Sums employed in the Service of the War ; and that, therefore, the State of the Duty cannot afterwards be altered without Injustice to the publick Creditors, and a manifest Violation of the Faith of Parliament : But, my Lords, though in the Hurry of providing for a pressing and important War, the Commons could not find any other Method so easy of raising Money, it cannot be doubted but that when they consider the State of the Nation at leisure, they will easily redeem this Tax, if it shall appear inconvenient ; and substitute some other, less injurious to the Happiness of the Publick.

‘ It was not impossible for them to have done this in the Beginning of this Session ; nor can it be supposed, that Men so long versed in publick Affairs, could not easily have proposed many other Imposts ; but it may be imagined that they chose this out of many, without suspecting that it would be opposed, and believed that they were at once raising Supplies, and protecting the Virtue of the People.

‘ Nor, indeed, my Lords, does it yet appear, that they have been mistaken ; for though the Arguments of the noble Lords who oppose the Bill are acute and plausible ; yet, since they agree, that the Consumption of these Liquors is at last to be hindered by raising their Price, it is reasonable to conceive, that every Augmentation of the Price must produce a proportionate Diminution of the Consumption ; and that, therefore, this Duty will contribute, in some Degree, to the Reformation of the People. It seems, at least, in the highest Degree probable, that it cannot increase the Evil which it is intended to remedy ; and that, therefore, we may reasonably concur in it, as it will furnish the Government with Supplies, without any Inconvenience to those that pay them.

The Bishop of Oxford, then stood up, and spoke as follows :  
*My Lords,*

‘ This Subject has already been so accurately considered, and Bishop of Oxford so copiously discussed, that I rise up in Despair of proposing any thing new, of explaining any Argument more clearly, or urging it more forcibly, of starting any other Subject of Consideration, or pointing out any Circumstance yet untouched in those that have been proposed.

‘ Yet, my Lords, though I cannot hope to add any thing  
to

An. Geo. 16. II. to the Knowledge which your Lordships have already obtained of the Subject in Debate, I think it my Duty to add one Voice to the Truth, and to declare that in the Balance of my Understanding, the Arguments against the Bill very much outweigh those that have been offer'd in its Favour.

1742.

‘ It is always presum’d by those who vindicate it, that every Augmentation of the Price will necessarily produce a proportionate Decrease of the Consumption. This, my Lords, is the chief, if not the only Argument that has been advanced, except that which is drawn from the Necessity of raising Supplies, and the Danger of disgusting the other House. But this Argument, my Lords, is evidently fallacious; and therefore the Bill, if it passes, must pass without a single Reason except immediate Convenience.

‘ Let us examine, my Lords, this potent Argument which has been successively urged by all who have endeavoured to vindicate the Bill, and echoed from one to another with all the Confidence of Irrefragability; let us consider on what Supposition it is founded, and we shall soon find how easily it will be dissipated.

‘ It is supposed by this Argument, that every Drinker of these Liquors spends as much as he can possibly procure; and that therefore the least additional Price must place Part of his Pleasure beyond his Reach. This, my Lords, cannot be generally true; it is perhaps generally, if not universally, false. It cannot be doubted but that many of those who corrupt their Minds and Bodies with these pernicious Draughts, are above the Necessity of constraining their Appetites to escape so small an Expence as that which is now to be imposed upon them; and even of those whose Poverty can sink no lower, who are in Reality exhausted by every Day’s Debauch, it is at least as likely that they will insist upon more Pay for their Work, or that they will steal with more Rapacity, as that they will suffer themselves to be debarred from the Pleasures of Drunkenness.

‘ It is not certain that this Duty will make these Liquors dearer to those who drink them, since the Distiller will more willingly deduct from his present Profit the small Tax that is now proposed, than suffer the Trade to sink; and even if that Tax should be, as is usual, levied upon the Retailer, it has been already observed, that, in the Quantities necessary to Drunkenness, it will not be perceptible.

‘ But, my Lords, though this Argument appears thus weak upon the first and slightest Consideration, the chief Fallacy is still behind. Those who have already initiated themselves in Debauchery, deserve not the chief Consideration of this House;

House ; they are for the greatest Part hopeless and abandoned, and can only be withheld by Force, from complying with those Desires to which they are habitually enslaved : They may indeed be some Times punished, and at other Times restrain'd, but cannot often be reformed.

An. 16. Geo. II.

1742.

‘ Those, my Lords, who are yet uncorrupted, ought first to engage our Care : Virtue is easily preserved, but difficultly regain’d. But for those what Regard has hitherto been shewn ? What Effects can be expected from this Bill, but that of exposing them to Temptations, by placing unlawful Pleasures in their View ? Pleasures which, however unworthy of human Nature, are seldom forsaken after they have once been tasted.

‘ In the Consideration of the present Question, it is to be remembered, that Multitudes are already corrupted, and the Contagion grows more dangerous in Proportion as greater Numbers are infected.

‘ To stop the Progress of this Pestilence, my Lords, ought to be the governing Passion of our Minds ; to this Point ought all our Aims to be directed, and for this End ought all our Projects to be calculated.

‘ But how, my Lords, is this Purpose promoted by a Law which gives a Licence, an unlimited and cheap Licence for the Sale of that Liquor, to which, even those who support the Bill, impute the present Corruption of the People ? This surely is no rational Scheme of Reformation, nor can it be imagined, that a favourite and inveterate Vice is to be extirpated by such gentle Methods.

‘ Let us consider, my Lords, more nearly the Effects of this new invented Regulation ; and we shall see how we may expect from thence the Recovery of publick Virtue. A Law is now to be repealed by which the Use of distill’d Liquors is prohibited, but which has not been for some Time put in Execution, or not with Vigour sufficient to surmount the Difficulties and Inconveniencies by which its Operation was obstructed. The Law is however yet in Force, and whoever sells Spirits must now sell them at the Hazard of Prosecution and Penalties, and with an implicit Confidence in the Kindness and Fidelity of the Purchaser.

‘ It cannot be supposed, my Lords, but that a Law like this must have some Effect. It cannot be doubted, that some are honest and others timorous ; and that among the Wretches who are most to be suspected of this Kind of Debauchery, there are some in whom it is not safe to confide ; they therefore must sometimes be hindered from destroying their Reason by other Restraints than Want of Money, and,  
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An. Geo. 16. II. to the Knowledge which your Lordships have

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' To leave the Nation in its present State, which is allow-  
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pleaded with the greatest Warmth for this Bill ; for he  
concluded with an Air of Triumph, by asking, how we can  
be censur'd for only suffering the Nation to continue in its  
former State ?

' We may be, in my Opinion, my Lords, censur'd as  
Traitors to our Trust, and Enemies to our Country, if we  
permit any Vice to prevail, when it is in our Power to  
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An. 16. Geo. II. when they are trusted with the Secret of an illegal Trade, must pay a dearer Rate for the Danger that is incurr'd.

1742.

‘ But when this Law is repealed, and every Street and Alley has a Shop licens’d to distribute this delicious Poison, what can we expect ? The most sanguine Advocate for the Bill cannot surely hope, that any of those who now drink Spirits will refrain from them only because they are sold without Danger ; and though what cannot be proved, or even hoped, should be admitted, that some must content themselves with a smaller Quantity on account of the advanced Price, yet, while they take all Opportunities of Debauchery, while they spend in this destructive Liquor all that either honest Labour or daring Theft will supply, they must always be Examples of Intemperance ; such Examples as, from the Experience of late Years, we have Reason to believe will find many Imitators ; and therefore will promote at once the Consumption of Spirits and the Corruption of the People.

‘ There is always to be found in Wickedness a detestable Ambition of gaining Profelytes : Every Man who has suffered himself to be corrupted, is desirous to hide himself from Infamy in Crowds as vicious as himself ; or desires Companions in Wickedness, from the same natural Inclination to Society which prompts almost every Man to avoid Singularity on other Occasions.

‘ Whatever be the Reason, it may be every Day observ’d, that the great Pleasure of the Vicious is to vitiate others ; nor is it possible to squander an Hour in the Assemblies of Debauchees of any Rank, without observing with what Importunity Innocence is attack’d ; and how many Arts of Sophistry and Ridicule are used to weaken the Influence of Virtue, and suppress the Struggles of Conscience.

‘ The fatal Art by which Virtue is most commonly overborne is the frequent Repetition of Temptations, which, though often rejected, will at some unhappy Moment generally prevail, and therefore ought to be removed ; but which this Bill is intended to place always in Sight.

‘ To what Purpose will it be, my Lords, to deprive nine harden’d Profligates of a tenth Part of the Liquor which they now drink, which is the utmost that this Duty will effect, if they have an Opportunity of corrupting one by their Solicitation and Example ? The Difference between nine and ten Acts of Debauchery is of very small Importance to Mankind, or even to the Persons who are thus restrained, since their Forbearance of the utmost Ex-

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cesses is only the Effect of their Poverty, not of their Vir- An. 16. Geo. II.  
tue. 1742.

‘ How far is such Restraint from being equivalent to the Corruption of one Mind yet pure and undebauched ! to the Seduction of one Heart from Virtue, and a new Addition to the Interest and Prevalence of Wickedness ? If it be necessary, that the Supplies should be raised for the Government by the Use of this pernicious Liquor, it is desirable that it should be confined to few ; and that it should rather be swallowed in large Quantities by hopeless Drunkards, than offered every where to the Taste of Innocence and Youth in licensed Houses of Wickedness.

‘ The Consumption will, for a Time, be the same in both Cases, but with this important Difference, that Wickedness would only be continued, not promoted ; and as the Poison would rid the Land by Degrees of the present Race of Profligates, it might be hoped that our Posterity would be uninfected.

‘ But under the present Scheme of Regulations, my Lords, Vice will be propagated under the Countenance of the Legislature ; and that Kind of Wickedness by which the Nation is so insatuated, that it has increased yearly in Opposition to a penal Law, will now not only be suffered but encouraged, and enjoy not Impunity only but Protection.

‘ Thus, if we pass the Bill, we shall not be able to boast the Merit even of leaving the Nation in its present State ; we shall take away the present Restraints of Vice without substituting any in their Place ; we shall perhaps deprive a few harden’d Drunkards of a small Part of the Liquor which they now swallow, but shall open, according to the Expectation of the noble Lord, fifty thousand Houses of licens’d Debauchery for the Ruin of Millions yet untainted.

‘ To leave the Nation in its present State, which is allowed on all Hands to be a State of Corruption, seems to be the utmost Ambition of one of the noble Lords who have pleaded with the greatest Warmth for this Bill ; for he concluded with an Air of Triumph, by asking, how we can be censur’d for only suffering the Nation to continue in its former State ?

‘ We may be, in my Opinion, my Lords, censur’d as Traitors to our Trust, and Enemies to our Country, if we permit any Vice to prevail, when it is in our Power to suppress it. We may, with Justice, be cursed by Posterity as the Abettors of that Debauchery by which Poverty and Disease shall be entailed upon them, condemned in the present



An. 16. Geo. II. 1742. sent as the Flatterers of those Appetites which we ought to regulate, and insulted by that Populace whom we dare not oppose.

‘ Had none of our Predecessors endeavoured the Reformation of the People, had they contented themselves always to leave the Nation as they found it, there had been long ago an End of all the Order and Security of Society ; for the natural Depravity of human Nature has always a Tendency from less to greater Evil, and the same Causes which had made us thus wicked, will, if not obviated, make us worse.

‘ Since the noble Lord thinks it not necessary to attempt the Reformation of the People, he might have spared the elaborate Calculation, by which he has proved that a large Sum will be gained by the Government, though one third Part of the Consumption be prevented ; for it is of very little Importance to discuss the Consequences of an Event which will never happen. He should first have proved, that a third Part of the Consumption will in Reality be prevented, and then he might very properly have comforted the Ministry, with shewing how much they would gain from the Residue.

‘ That this Bill, as it now stands, will produce a large Revenue to the Government, but no Reformation in the People, is asserted by those that oppose, and undoubtedly believ’d by those that defend it ; but as this is not the Purpose which I am most desirous of promoting, I cannot but think it my Duty to agree to the Proposal of the noble Lord, that by postponing the Consideration of the Bill, more exact Information may be obtained by us, and the Commons may be alarmed at the Danger into which the Nation has been brought by their Precipitation.

The Earl of *Bath* then rose again, and spoke to the following Effect :

*My Lords,*

Earl of Bath.

‘ As the Reverend Prelate, who has just spoke, appears to have misapprehended some of my Assertions, I think it necessary to rise again, that I may explain with sufficient Clearness, what perhaps I before express’d obscurely, amidst the Number of different Considerations that croud’d my Imagination.

‘ With regard to the Diminution that might be expected from this Law, I did not absolutely assert, at least I did not intend to assert, that a third Part would be taken off ; but only advanced that Supposition as the Basis of a Calculation,

lation, by which I might prove what many Lords appeared to doubt, that the Consumption might possibly be diminished, and yet the Revenue increased.

An. 16. Geo. II.  
1742.

‘ Upon this Supposition, which must be allowed to be reasonable, both the Purposes of the Bill will be answered, and the publick Supplies will be raised by the Suppression of Vice.

‘ The Diminution of the Consumption may be greater or less than I have supposed. If it be greater, the Revenue will be indeed less augmented, but the Purposes, which in the Opinions of the noble Lords who oppose the Bill, are more to be regarded, will be better promoted ; and all their Arguments against it will be at least defeated : Nor will the Ministry, I hope, regret the Failure of a Tax, which is deficient only by the Sobriety of the Nation.

‘ If the Diminution be less than I have supposed, yet if there be any Diminution, it cannot be said that the Bill has been wholly without Effect ; or that the Ministry have not proceeded, either with more Judgment or better Fortune than their Predecessors ; or that they have not, at least, taken Advantage of the Errors that have been committed. It must be owned, that they have either reformed the Nation, or at least pointed out the Way by which the Reformation that has been so long desired may be effected.

‘ That this Tax will in some Degree hinder Drunkenness, it is reasonable to expect, because it can only be hindered by taxing the Liquors which are used in Excess ; but there yet remain, concerning the Weight of the Tax that ought to be laid upon them, Doubts which nothing but Experience can, I believe, remove.

‘ By Experience, my Lords, we have been already taught, that Taxes may be so heavy as to be without Effect ; that Restraint may be so violent as to produce Impatience ; and therefore it is proper, in the next Essay, to proceed by slow Degrees and gentle Methods, and produce that Effect imperceptibly which we find ourselves unable to accomplish at once.

‘ I cannot therefore think, that the Duty of three Shillings a Gallon can be imposed without defeating our own Design, and compelling the People to find out some Method of eluding the Law, like that which was practised after the Act, by which, in the second Year of his present Majesty, five Shillings were imposed upon every Gallon of Compound Waters ; after which it is well known, that the Distillers sold a Simple Spirit under the contemptuous Title of *Parliament*

An. 16. Geo. II. *ment Brandy*, and the Law being univerſally evaded, was ſoon after repealed as uſeleſs.

1742.

‘Such, my Lords, or worſe, will be the Conſequence of the Tax which the noble Lord has propoſed; for if it cannot be evaded, Spirits will be brought from Nations that have been wiſer than to burthen their own Commodities with ſuch inſupportable Impoſts, and the Kingdom will ſoon be impoverished by the Exportation of its Money.’

The Lord *Hervey* answered in Subſtance as follows.

*My Lords,*

Lord *Hervey*.

‘I am very far from thinking the Arguments of the noble Lord ſuch as can influence Men deſirous to promote the real and durable Happineſs of their Country; for he is ſolicitous only about the Proſperity of the *British* Manufactures, and the Preſervation of the *British* Trade, but has ſhewn very little Regard to *British* Virtue.

‘That Part of his Argument is therefore not neceſſary to be answered, if the Suggeltion upon which it is founded were true; ſince it will be ſufficient to compare the Advantage of the two Schemes. And with regard to his Inſinuation, that *Parliament Brandy* may be revived by a high Duty, I believe, firſt that no ſuch Eviſion can be contrived; and in the next Place am confident, that it may be defeated by burthening the new invented Liquor, whatever it be, if it be equally pernicious, with an equal Tax. The Path of our Duty, my Lords, is plain and eaſy, and only repreſented difficult by thoſe who are inclined to deviate from it.

Lord *Bathurſt* ſpoke next to the Effect following.

*My Lords,*

Lord *Bathurſt*.

‘Whatever Measures may be practiſed by the People for eluding the Purpoſes of the Bill now before us, with whatever Industry they may invent new Kinds of *Parliament Brandy*, or by whatever Artifices they may eſcape the Diligence of the Officers employed to collect a Duty levied upon their Vices and their Pleaſures, there is, at leaſt, no Danger that they will purchaſe from the Continent thoſe Liquors which we are endeavouring to withhold from them; or that this Bill will impoveriſh our Country by promoting a Trade contrary to its Interests.

‘What would be the Conſequence of the Duty of three Shillings a Gallon, propoſed by the noble Lord, it is eaſy to judge. What, my Lords, can be expected from it, but that it will either oblige or encourage the Venders of Spirits to procure from other Places what they can no longer buy

buy for reasonable Prices at home ? And that those Drunk-  
ards who cannot or will not suddenly change their Customs,  
will purchase from abroad the Pleasures which we withhold  
from them, and the Wealth of the Nation be daily diminish-  
ed, but the Virtue little increased ?

An. 16. Geo. II.

1742.

‘ Thus, my Lords, shall we at once destroy our own Ma-  
nufacture, and promote that of our Neighbours. Thus shall  
we enrich other Governments by distressing our own ; and,  
instead of increasing Sobriety, only encourage a more ex-  
pensive and pernicious Kind of Debauchery.

‘ In the Bill now under our Consideration, a middle Way  
is proposed, by which Reformation may be introduced by  
those Gradations which have always been found necessary  
when inveterate Vices are to be encountered. In this Bill  
every necessary Consideration appears to have been regarded ;  
the Health of the People will be preserved, and their Virtue  
recovered, without destroying their Trade or starving their  
Manufactures.

‘ The Efficacy of this Bill seems, indeed, to be allowed  
by some of the Lords who oppose it ; since their chief Ob-  
jection has arisen from their Doubts, whether it can be exe-  
cuted. If a Law be useless in itself it is of no Importance,  
whether it is executed or not ; and, therefore, I think it  
may safely be inferred, that they who are solicitous how it  
may be enforced, are convinced of its Usefulness.

‘ If this, my Lords, be the chief Objection now remaining,  
a little Consideration will easily remove it ; for it is well  
known, that the only Obstruction of the former Law was  
the Danger of Information ; but this Law, my Lords, is so  
contrived, that it will promote the Execution of itself ; for  
by setting Licences at so low a Price, their Number will be  
multiplied, and every Man who has taken a Licence will  
think himself justified in informing against him that shall re-  
tail Spirits without a legal Permit.

‘ If, therefore, there should be, as a noble Lord has very  
reasonably supposed, Fifty Thousand licensed Venders of  
these Liquors, there will likewise be Fifty Thousand In-  
formers against unlawful Traders ; and as the Liquors may  
then always be had under Sanction of the Law, the Popu-  
lace will not interest themselves in that Process which can  
have no Tendency to obstruct their Pleasure.

‘ Thus, my Lords, shall we, by agreeing to this Bill,  
make a Law that will be at once useful to the Government,  
and beneficial to the People ; which will be at once powerful  
in its Effects, and easy in its Execution ; and therefore, in-  
stead of attending any more to the wild and impracticable

Schemes

An. 16. Geo. II. <sup>1742.</sup> Schemes of heavy Taxes, rigorous Punishments, sudden Re-  
formations, and violent Restraints, I hope we shall unanim-  
ously approve this Method, from which so much may be  
hoped, while nothing is hazarded.'

The Earl of *Chesterfield* then rose up, and spoke in Sub-  
stance as follows :

*My Lords,*

Earl of Chester-  
field.

' Though the noble Lord who has been pleased to excite  
us to an unanimous Concurrence with himself and his Asso-  
ciates of the Ministry, in passing this excellent and wonder-  
working Bill ; this Bill which is to lessen the Consumption  
of Spirits, without lessening the Quantity which is distilled ;  
which is to restrain Drunkards from drinking, by setting  
their favourite Liquor always before their Eyes ; to conquer  
Habits by continuing them ; and correct Vice by indulging  
it, according to the lowest Reckoning, for at least another  
Year ; still, my Lords, such is my Obstinacy, or such my  
Ignorance, that I cannot yet comply with his Proposal, nor  
can prevail with myself either to concur with Measures so  
apparently opposite to the Interest of the Publick, or to hear  
them vindicated, without declaring how little I approve  
them.

' During the Course of this long Debate, I have endeavor-  
ed to recapitulate and digest the Arguments which have been  
advanced ; and have considered them both separately and  
conjointly, but find myself at the same Distance from Con-  
viction as when I first entered the House.

' In Vindication of this Bill, my Lords, we have been  
told, that the present Law is ineffectual ; that our Manu-  
facture is not to be destroyed ; or not this Year ; that the  
Security offered by the present Bill has induced great Num-  
bers to subscribe to the new Fund ; that it has been ap-  
proved by the Commons ; and that, if it be found ineffect-  
ual, it may be amended another Session.

' All these Arguments, my Lords, I shall endeavour to  
examine, because I am always desirous of gratifying those  
great Men to whom the Administration of Affairs is intrust-  
ed ; and have always very cautiously avoided the Odium of  
Disaffection, which they will undoubtedly throw, in Imita-  
tion of their Predecessors, upon all those whose wayward  
Consciences shall oblige them to hinder the Execution of  
their Schemes.

' With a very strong Desire therefore, though with no  
great Hopes of finding them in the Right, I venture to be-  
gin my Enquiry, and engage in the Examination of their  
first

An. 16. Geo. II  
1742.

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840 to 250. The interfield is a full acre of vines, with a ditch, near the clear drainage. The vines are abundant in the row and the surrounding

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An. 16. Geo. II.  
1742.

impeded by Difficulties which cannot be broken through, but by Men of more Spirit and Dignity than the Ministers may be inclined to trust with Commissions of the Peace; yet it can only be collected, that another Law is necessary, not that the Law now proposed will be of any Advantage.

‘ Great Use has been made of the Inefficacy of the present Law, to decry the Proposal made by the noble Lord, for laying a high Duty upon these pernicious Liquors. High Duties have already, as we are informed, been tried without Advantage; high Duties are at this Hour imposed upon those Spirits which are retailed, yet we see them every Day sold in the Streets without the Payment of the Tax required; and therefore it will be Folly to make a second Essay of Means which have been found by the Experience of many Years unsuccessful.

‘ It has been granted on all Sides in this Debate, nor was it ever denied on any other Occasion, that the Consumption of any Commodity is most easily to be hindered by raising its Price; and its Price is to be raised by the Imposition of a Duty. This, my Lords, which is, I suppose, the Opinion of every Man, of whatever Degree of Experience or Understanding, appears likewise to have been thought of by the Authors of the present Law; and therefore they imagined, that they had effectually provided against the Encrease of Drunkenness, by laying upon that Liquor which should be retailed in small Quantities, a Duty which none of the inferior Classes of Drunkards would be able to pay.

‘ Thus, my Lords, they conceived, that they had reformed the common People without infringing the Pleasures of others; and applauded the happy Contrivance by which Spirits were to be made dear only to the Poor, while every Man who could afford to purchase two Gallons was at Liberty to riot at his Ease, and over a full flowing Bumper look down with Contempt upon his former Companions, now ruthlessly condemned to disconsolate Sobriety.

But, my Lords, this Intention was frustrated, and the Project, ingenious as it was, fell to the Ground; for tho’ they had laid a Tax, they unhappily forgot, that this Tax would make no Addition to the Price, unless it was paid, and that it would not be paid, unless some were empowered to collect it.

‘ Here, my Lords, was the Difficulty; those who made the Law were inclined to lay a Tax from which themselves should be exempt; and therefore would not charge the Liquor as it issued from the Still; and when once it was dispersed in the Hands of petty Dealers, it was no longer to  
be

be found without the Assistance of Informers; and Informers An. 16. Geo. III. 1742. could not carry on the Business of Prosecution, without the Consent of the People.

‘ It is not necessary to dwell any longer upon the Law, the Repeal of which is proposed; since it appears already, that it failed only from a Partiality not easily defended, and from the Omission of what is now proposed, the Collecting of the Duty from the Still-Head.

‘ If this Method be followed, there will be no longer any need of Informations, or of any rigorous or new Measures; the same Officers that collect a smaller Duty may levy a greater; nor can they be easily deceived with regard to the Quantities that are made; the Deceits, at least that can be used, are in Use already; they are frequently detected and suppressed, nor will a larger Duty enable the Distillers to elude the Vigilance of the Officers with more Success.

‘ Against this Proposal, therefore, the Inefficacy of the present Law can be no Objection; but it is urged, that such Duties would destroy the Trade of Distilling, and a noble Lord has been pleased to express great Tenderness for a Manufacture so beneficial and extensive.

‘ That a large Duty levied at the Still would destroy or very much impair the Trade of Distilling, is certainly supposed by those who defend it, for they proposed it only for that End; and what better Method can they propose, when they are called to deliberate upon a Bill for the Prevention of the excessive Use of distill’d Liquors?

‘ The noble Lord has been pleased kindly to inform us, that the Trade of Distilling is very extensive, that it employs great Numbers, and that they have arrived at exquisite Skill, and therefore — note well the Consequence — the Trade of Distilling is not to be discouraged.

‘ Once more, my Lords, allow me to wonder at the different Conceptions of different Understandings. It appears to me, that since the Spirits which the Distillers produce are allowed to enfeeble the Limbs, and vitiate the Blood, to pervert the Heart, and obscure the Intellects, that the Number of Distillers should be no Argument in their Favour; for I never heard that a Law against Theft was repealed or delayed, because Thieves were numerous. It appears to me, my Lords, that if so formidable a Body are confederated against the Virtue or the Lives of their Fellow-Citizens, it is Time to put an End to the Havock, and to interpose, while it is yet in our Power to stop the Destruction.



An. Geo. 16. II.

1742.

‘ As little, my Lords, am I affected with the Merit of the wonderful Skill which the Distillers are said to have attained; that it is, in my Opinion, no Faculty of great Use to Mankind, to prepare palatable Poison : nor shall I ever contribute my Interest for the Reprieve of a Murderer, because he has, by long Practice, obtained great Dexterity in his Trade.

‘ If their Liquors are so delicious, that the People are tempted to their own Destruction, let us at Length, my Lords, secure them from these fatal Draughts, by bursting the Vials that contain them ; let us crush at once these Artists in Slaughter, who have reconciled their Countrymen to Sickness and to Ruin, and spread over the Pitfalls of Debauchery such Baits as cannot be resisted.

‘ The noble Lord has, indeed, admitted, that this Bill may not be found sufficiently coercive, but gives us Hopes that it may be improved and enforced another Year ; and persuades us to endeavour a Reformation of Drunkenness by Degrees, and above all, to beware at present of hurting the *Manufacture*.

‘ I am very far, my Lords, from thinking that there are this Year any peculiar Reasons for tolerating Murder ; nor can I conceive, why the Manufacture should be held sacred now, if it be to be destroyed hereafter ; we are, indeed, desired to try how far this Law will operate, that we may be more able to proceed with due Regard to this valuable Manufacture.

‘ With regard to the Operation of the Law, it appears to me, that it will only enrich the Government without reforming the People, and I believe there are not many of a different Opinion ; if any Diminution of the Sale of Spirits be expected from it, it is to be considered, that this Diminution, will, or will not be such as is desired for the Reformation of the People ; if it be sufficient, the Manufacture is at an End, and all the Reasons against a higher Duty are of equal Force against this ; but if it is not sufficient, we have, at least, omitted Part of our Duty, and have neglected the Health and Virtue of the People.

‘ I cannot, my Lords, yet discover, why a Reprieve is desired for this Manufacture ; why the present Year is not equally propitious to the Reformation of Mankind, as any will be that may succeed it. It is true we are at War with two Nations, and, perhaps, with more ; but War may be better prosecuted without Money than without Men, and we but little consult the Military Glory of our Country, if we raise Supplies for paying our Armies, by the Destruction

struction of those Armies that we are contriving to pay. An. 16. Geo. II.

‘ We have heard the Necessity of reforming the Nation by Degrees urged as an Argument for imposing first a lighter Duty, and afterwards a heavier; this Complaisance for Wickedness, my Lords, is not so defensible as that it should be battered by Arguments in Form, and, therefore, I shall only relate a Reply made by *Webb*, the noted Walker, upon a parallel Occasion.

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‘ This Man, who must be remembered by many of your Lordships, was remarkable for Vigour, both of Mind and Body, and lived wholly upon Water for his Drink, and chiefly upon Vegetables for his other Sustenance; he was one Day recommending his Regiment to one of his Friends who loved Wine, and who perhaps might somewhat contribute to the Prosperity of this Spirituous Manufacture; and urged him, with great Earnestness, to quit a Course of Luxury, by which his Health and his Intellects would equally be destroyed. The Gentleman appeared convinced, and told him, ‘ That he would conform to his Council, and thought ‘ he could not change his Course of Life at once, but would ‘ leave off strong Liquors by Degrees.’ ‘ By Degrees,’ says the other, with Indignation, ‘ If you should unhappily ‘ fall into the Fire, would you caution your Servants not ‘ to pull you out but by Degrees?’

‘ This Answer, my Lords, is applicable to the present Case; the Nation is sunk into the lowest State of Corruption; the People are not only vicious but insolent beyond Example; they not only break the Laws but defy them, and yet, some of your Lordships are for reforming them by Degrees.

‘ I am not easily persuaded, my Lords, that our Ministers really intend to supply the Defects that may hereafter be discovered in this Bill; it will doubtless produce Money, perhaps much more than they appear to expect from it; I doubt not but the licensed Retailers will be more than fifty Thousand, and the Quantity retailed must encrease with the Number of Retailers. As the Bill will, therefore, answer all the Ends intended by it, I do not expect to see it altered; for I have never observed Ministers desirous of amending their own Errors, unless they are such as have caused a Deficiency in the Revenue.

‘ Besides, my Lords, it is not certain, that when this Fund is mortgaged to the publick Creditors, they can prevail upon the Commons to change the Security; they may continue the Bill in force for the Reasons, whatever they are, for which they have passed it; and the good Inten-

An. 16. Geo. II. 1742. tions of our Ministers, however sincere, may be defeated; and Drunkenness, legal Drunkenness, established in the Nation.

‘ This, my Lords, is very reasonable ; and therefore we ought to exert ourselves for the Safety of the Nation, while the Power is yet in our own Hands ; and without Regard to the Opinion or Proceedings of the other House, shew that we are yet the chief Guardians of the People.

X ‘ The ready Compliance of the Commons, with the Measures proposed in this Bill, has been mentioned here with a View, I suppose, of influencing us ; but surely by those who had forgotten our Independence, or resigned their own. It is not only the Right, but the Duty of either House to deliberate, without Regard to the Determinations of the other ; for how would the Nation receive any Benefit from the distinct Powers that compose the Legislature, unless their Determinations are without Influence upon each other ? If either the Example or Authority of the Commons can divert us from following our own Convictions, we are no longer Part of the Legislature ; we have given up our Honours and our Privileges ; and what then is our Concurrence but Slavery, or our Suffrage but an Eccho ?

X ‘ The only Argument, therefore, that now remains, is the Expediency of gratifying those by whose ready Subscription the Exigencies our new Statesmen have brought upon us have been supported, and of continuing the Security by which they have been encouraged to such liberal Contributions.

‘ Publick Credit, my Lords, is indeed of very great Importance, but publick Credit can never be long supported without publick Virtue ; nor, indeed, if the Government could mortgage the Morals and Health of the People, would it be just or rational to confirm the Bargain ? If the Ministry can raise Money only by the Destruction of their Fellow-Subjects, they ought to abandon those Schemes for which the Money is necessary ; for what Calamity can be equal to unbounded Wickedness ?

‘ But, my Lords, there is no Necessity for a Choice which may cost us or our Ministers so much Regret ; for the same Subscriptions may be procured by an Offer of the same Advantages to a Fund of any other Kind ; and the Sinking-Fund will easily supply any Deficiency that might be suspected in another Scheme.

‘ To confess the Truth, I should feel very little Pain from an Account that the Nation was for some Time determined to be less liberal of their Contributions, and that  
Money

Money was withheld, 'till it was known in what Expeditions An. 16 Geo. II. it was to be employed; to what Princes Subsidies were to be paid, and what Advantages were to be purchased by it for our Country. I should rejoice, my Lords, to hear, that the Lottery, by which the Deficiencies of this Duty are to be supplied, was not filled; and that the People were grown, at last, wise enough to discern the Fraud, and to prefer honest Commerce, by which all may be Gainers, to a Game by which the greatest Number must certainly be Losers.

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' The Lotteries, my Lords, which former Ministers have proposed, have always been censured by those that saw their Nature and their Tendency; they have been considered as legal Cheats, by which the Ignorant and the rash are defrauded, and the Subtle and Avaricious often enriched; they have been allowed to divert the People from Trade, and to alienate them from useful Industry. A Man who is uneasy in his Circumstances, and idle in his Disposition, collects the Remains of his Fortune, and buys Tickets in a Lottery; retires from Business, indulges himself in Laziness, and waits, in some obscure Place, the Event of his Adventure. Another, instead of employing his Stock in Trade, rents a Garret, and makes it his Business, by false Intelligence, and chimerical Alarms, to raise and sink the Price of Tickets alternately, and takes Advantage of the Lies which he has himself invented.

' Such, my Lords, is the Traffick that is produced by this Scheme of getting Money; nor were these Inconveniences unknown to the present Ministers in the Time of their Predecessors, whom they never failed to pursue with the loudest Clamours, whenever the Exigencies of the Government reduced them to a Lottery.

' If I, my Lords, might presume to recommend to our Ministers the most probable Method of raising a large Sum for the Payment of the Troops of the Electorate, I should, instead of the Tax and Lottery now proposed advise them to establish a certain Number of licensed Wheelbarrows, on which the laudable Trade of Thimble and Button might be carried on for the Support of the War, and Shoe-Boys might contribute to the Defence of the House of *Austria* by raffling for Apples.

' Having now, my Lords, examined, with the utmost Candour, all the Reasons which have been offered in Defence of the Bill, I cannot conceal the Result of my Enquiry. The Arguments have had so little Effect upon my Understanding, that as every Man judges of others by himself, I cannot believe that they have any Influence, even upon

An. 16. Geo. II.  
1742.

upon those that offer them; and, therefore, I am convinced, that this Bill must be the Result of Considerations which have been hitherto concealed, and is intended to promote Designs which are never to be discovered by the Authors before their Execution.

‘ With Regard to these Motives and Designs, however artfully concealed, every Lord in this House is yet at Liberty to offer his conjectures.

‘ When I consider, my Lords, the Tendency of this Bill, I find it calculated only for the Propagation of Diseases, the Suppression of Industry, and the Destruction of Mankind. I find it the most fatal Engine that ever was pointed at a People; an Engine by which those who are not killed will be disabled, and those who preserve their Limbs will be deprived of their Senses.

‘ This Bill therefore appears to be designed only to thin the Ranks of Mankind, and to disburthen the World of the Multitudes that inhabit it, and is perhaps the strongest Proof of political Sagacity that our new Ministers have yet exhibited. They well know, my Lords, that they are universally detested, and that wherever a *Briton* is destroyed, they are freed from an Enemy; they have therefore opened the Flood-gates of Gin upon the Nation, that when it is less numerous, it may be more easily governed.

‘ Other Ministers, my Lords, who had not attained to so great a Knowledge in the Art of making War upon their Country, when they found their Enemies clamorous and bold, used to awe them with Prosecutions and Penalties, or destroy them like Burglars with Prisons and with Gibbets. But every Age, my Lords, produces some Improvement; and every Nation, however degenerate, gives Birth at some happy Period of Time to Men of a great and enterprising Genius. It is our Fortune to be Witnesses of a new Discovery in Politics; we may congratulate ourselves upon being Contemporaries with those Men, who have shewn that Hangmen and Halts are unnecessary in a State; and that Ministers may escape the Reproach of destroying their Enemies, by inciting them to destroy themselves.

‘ This new Method may, indeed, have upon different Constitutions a different Operation; it may destroy the Lives of some, and the Senses of others; but either of these Effects will answer the Purposes of the Ministry, to whom it is indifferent, provided the Nation becomes insensible, whether Pestilence or Lunacy prevails among them. Either mad or dead the greatest Part of the People must quickly be, or there is no Hope of the Continuance of the present Ministry.

‘ For

‘ For this Purpose, my Lords, what could have been invented more efficacious than an Establishment of a certain Number of Shops, at which Poison may be vended : Poison so prepared as to please the Palate, while it walters the Strength, and kills only by Intoxication. From the first Instant that any of the Enemies of the Ministry shall grow clamorous and turbulent, a crafty Hirceling may lead him to the Ministerial Slaughter-House, and ply him with their wonder-working Liquor, till he is no longer able to speak or think ; and, my Lords, no Man can be more agreeable to our Ministers than he that can neither speak nor think, except those who speak without thinking.

An. 16. Geo. II.

1742.

‘ But, my Lords, the Ministers ought to reflect, that tho’ all the People of the present Age are their Enemies, yet they have made no Trial of the Temper and Inclinations of Posterity ; our Successors may be of Opinions very different from ours ; they may, perhaps, approve of Wars on the Continent, while our Plantations are insulted and our Trade obstructed ; they may think the Support of the House of *Austria* of more Importance to us than our own Defence ; and may perhaps so far differ from their Fathers, as to imagine the Treasures of *Britain* very properly employed in supporting the Troops, and increasing the Splendor of a Foreign Electorate.

‘ Whatever, my Lords, be the true Reasons for which this Bill is so warmly promoted, I think, they ought, at least, to be deliberately examined ; and therefore cannot think it consistent with our Regard for the Nation to suffer it to be precipitated into a Law. The Year, my Lords, is not so far advanced but that Supplies may be raised by some other Method, if this should be rejected ; nor do I think, that we ought to consent to this, even though our Refusal should hinder the Supplies, since we have no Right, for the Sake of any Advantage, however certain or great, to violate all the Laws of Heaven and Earth, and to fill the Exchequer with the Price of the Lives of our Fellow-Subjects.

‘ Let us therefore, my Lords, not suffer ourselves to be driven forward with such Haste as may hinder us from observing whither we are going ; let us not be persuaded to precipitate our Counsels by those, who know that all Delays will be detrimental to their Designs, because Delays may produce new Information ; and they are conscious, that the Bill will be the less approved the more it is understood.

‘ But every Reason which they can offer against the Motion

An. 16. Geo. II. on is, in my Opinion, a Reason for it ; and therefore I shall  
 1742. readily agree to postpone the Clause, and no less readily to  
 reject the Bill.

‘ If, at last, Reason and Evidence are vain, if neither Justice nor Compassion can prevail, but the Nation must be destroy’d for the Support of the Government, let us, at least, my Lords, confine our Assertions, in the Preamble, to Truth ; let us not affirm that Drunkenness is establish’d by the Advice or Consent of the Lords Spiritual, since I am confident not one of them will so far contradict his own Doctrine, as to vote for a Bill which gives a Sanction to one Vice, and ministers Opportunities and Temptations to all others ; and which, if it be not speedily repealed, will overflow the whole Nation with a Deluge of Wickedness.’

Then the Earl of *Illy* stood up, and spoke as follows :

*My Lords,*

Earl of *Illy*.

‘ I have attended for a long Time to the noble Lord, not without some Degree of Uneasiness, as I think the Manner in which he has treated the Question neither consistent with the Dignity of this Assembly, nor with those Rules which ought to be ever venerable, the great Rules of Reason and Humanity. Yet being now arriv’d at a Time of Life in which the Passions grow calm, and Patience easily prevails over any sudden Disgust, I forbore to disconcert him, though I have known Interruption produc’d by much slighter Provocations.

‘ It is, my Lords, in my Opinion, a just Maxim, that our Deliberations can receive very little Assistance from Merriment and Ridicule ; and that Truth is seldom discover’d by those who are chiefly solicitous to start a Jest. To convince the Understanding and to tickle the Fancy, are Purposes very different, and must be promoted by different Means ; nor is he always to imagine himself superior in Dispute, who is applauded with the loudest Laugh.

‘ To laugh, my Lords, and to endeavour to communicate the same Mirth to others, when great Affairs are to be consider’d, is certainly to neglect the End for which we are assembled, and the Reasons for which the Privilege of Debating was originally granted us. For doubtless, my Lords, our Honours and our Power were not conferred upon us, that we might be merry with the better Grace ; or that we might meet at certain Times to divert ourselves with turning the great Affairs of the Nation to Ridicule.

‘ But, my Lords, still less defensible is this Practice, when we are contriving the Relief of Misery, or the Reformation of

of Vice, when Calamities are preying upon Thousands; and the Happiness, not only of the present Age, but of Posterity, must depend upon our Resolutions. He that can divert himself with the Sight of Misery has surely very little Claim to the great Praise of Humanity; nor can he be justly exempted from the Censure of encreasing Evils, who wastes in Laughter and Jocularity that Time in which he might relieve 'em.

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' The Bill now before us has been represented by those that oppose it, as big with Destruction, and dangerous both to the Lives and to the Virtue of the People. We have been told, that it will at once fill the Land with Sickness and with Villainy, and that it will be at the same Time fatal to our Trade and to our Power; yet those who are willing to be thought fearful of all these Evils, and ardently desirous of averting them from their Country, cannot without Laughter mention the Bill which they oppose, or enumerate the Consequences which they dread from it, in any other Language than that of Irony and Burlesque.

' Surely, my Lords, such Conduct gives Reason for questioning either their Humanity or their Sincerity; for if they really fear such dreadful Calamities, how can they be at leisure for Mirth and Gayety? How can they sport over the Grave of Millions, and indulge their vain Ridicule, when the Ruin of their Country is approaching?

' Of this Bill, notwithstanding the Acuteness with which it has been examin'd and censur'd, I am not afraid to affirm, that it is neither wicked nor absurd; that all its Parts are consistent; and that the Effects to be expected from it are Sobriety and Health. I cannot find upon the closest Examination, either that it will defeat its own End, or that the End proposed by it is different from that which is profess'd.

' The Charge of encouraging Vice and tolerating Drunkenness, with which the Defenders of this Bill have been so liberally aspers'd, may be, in my Opinion, more justly retorted upon those that oppose it; who, though they plead for the Continuance of a Law, rigorous indeed, and well-intended, own that it has by the Experience of several Years been found ineffectual.

' What, my Lords, can a Drunkard or a Profligate be supposed to wish, but that the Law may still remain in its present State; that he may still be pursued in a Track by which he knows how to escape, and opposed by Restraints which he is able to break? What can he desire but that no Laws should be made against him, but such as cannot be put in Execution?

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An. 16. Geo. II. 1742. try, and of being desirous of avoiding Information or Enquiry, lest they should retard our Measures or contradict our Assertions.

‘ But since it is reasonable to believe, my Lords, that many of those who might assist us in this difficult Enquiry are now in the Country, it is necessary, that our Summons may have the Effect which is desired, to defer the Reading for some Time. For to what Purpose will it be to require their Presence, at a Time at which we know it is impossible for them to comply with our Orders ? To direct what cannot be done is surely in its own Nature absurd and contemptible, and on this Occasion will expose not only our Understanding but our Honesty to Doubts ; for it will be imagined, that we are only endeavouring to make false Shows of Caution and Accuracy ; and that we, in Reality, desire to determine without the Concurrence of those whose Presence we publickly require.

‘ I therefore move, that the third Reading of this Bill may be delayed for five Days, and that immediate Summons be issued for all the Lords to attend.

The Lord Carteret spoke next:

*My Lords,*

Lord Carteret.

‘ If it is the Intention of the noble Lords to debate once more the Usefulness or Expedience of this Bill, if they have any new Argument to produce, or are desirous of another Opportunity to repeat those which have been already heard, I hope they will not long withhold, either from themselves or their Opponents, that Satisfaction.

‘ Your Lordships are so well acquainted with the State of the Publick, and know so well the Danger of the Liberties of the Continent, the Power of the Enemies whom we are to oppose, the dreadful Consequences of an unsuccessful Opposition, and the Necessity of Vigour and Expedition to procure Success, that it cannot be necessary to urge the Impropriety of delaying the Bill from which the Supplies are to be expected.

‘ The Convenience of deferring this Bill, however plausibly represented by the noble Lord who made the Motion, is overbalanced by the Necessity of considering it To-morrow. Necessity is an Argument, against which Eloquence will be employ’d to little Purpose. I therefore, my Lords, oppose the Motion, not that it is unreasonable in itself, but because it cannot be admitted. I recommend Dispatch on this Occasion, not because it is barely right, but because it is absolutely necessary.

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The Lord *Hervey* then rose up and spoke to the following Effect :

*My Lords,*

' It is always the last Resource of Ministers to call those Lord *Hervey*. Measures necessary which they cannot shew to be just ; when they have tried all the Arts of Fallacy and Illusion, and found them all baffled, to stand at Bay, because they can fly no longer ; look their Opponents boldly in the Face, and flun them with the formidable Sound of Necessity.

' But it is generally the Fortune of Ministers to discover Necessity much sooner than they whose Eyes are not sharpened by Employments ; they frequently call that Necessity, on which no other Man would bestow the Title of Expediency ; and that that is always necessary to be done, which others always think necessary to be avoided.

' At present, my Lords, I see nothing necessary but what is equally necessary at all Times, that we do our Duty to our Country, and discharge our Trust without suffering ourselves to be terrify'd with imaginary Dangers, or allured by imaginary Benefits. The War which is said to produce the Necessity of this Bill, is, in my Opinion, not necessary in itself. And if your Lordships differ from me in that Sentiment, it must be allow'd, that there is Time sufficient to provide Supplies by new Methods.

' But, my Lords, if the Motion in which I concur, be over-ruled on a Pretence of Necessity, it will shew an eager Desire to hasten a Bill, which if referred to any twelve Men, not of either House of Parliament, their Examination would terminate in this, that they bring it in guilty of wilful Murder.

The Earl of *Cholmondeley* spoke next, in Substance as follows :

*My Lords,*

' As there is no Doubt but particular Measures may be sometimes necessary, I discover no Reason that ought to delay. E. of Cholmon- hinder the Mention of that Necessity ; for surely where it can be asserted with Truth, it is the most powerful of all Arguments, and cannot be wisely or honestly neglected.

' In the present Case, my Lords, I can discover no Impropriety in mentioning it ; for I suppose that noble Lord did not intend to restrain it to the most rigorous Sense ; he did not mean, that there is the same Necessity of reading this Bill To-morrow, for the Success of the War, as in extinguishing a Fire for the Preservation of a Town ; but that the

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the Reasons for Dispatch absolutely over-balanced all the Pleas that could be offer'd for Delays.

‘ This Necessity, my Lords, I am not asham'd to assert after him ; nor can I think it consistent with common Prudence, in the present Situation of our Affairs, to defer the third Reading beyond To-morrow ; for the Supplies which this Bill must produce, are to be employ'd in Attempts of the utmost Importance, and which cannot fail without the Ruin of a great Part of Mankind, and an irreparable Injury to this Nation.

‘ I cannot therefore but confess my Surprise at the Vehemence with which this Bill is oppos'd ; Vehemence so great, that some Lords have been transported beyond that Decency which it is our Duty and our Interest to preserve in our Deliberations ; nor have restrained themselves from Expressions, which, upon Reflection, I believe they will not think defensible ; from among which I cannot but take Notice of the horrid and opprobrious Term of *Murder*.

‘ The Reverend Prelates who have spoken against the Bill, may be as easily believ'd to be as zealous for Virtue as those who have indulged themselves in this Violence of Language ; yet they have never charged those who defend the Measures now propos'd with the Guilt of *Murder*, but have decently deliver'd their own Opinions, without reproaching those who differ from them.

‘ For my Part, my Lords, as I cannot think the Motion for further Delay, seasonable or proper, or necessary to the Discovery of Truth, or consistent with the Welfare of the Nation, it is my Resolution to vote against it.’

The Duke of Bedford spoke next.

*My Lords,*

D. of Bedford.

‘ The Ardour with which the noble Lord appears to resent the Indignity offer'd to the Bill, shews only that he himself approves it, but not that it deserves the Approbation of the House.

‘ I think it of Use, notwithstanding the plausible Pleas of Decency or Politeness, that every Thing should in this House be called by its right Name ; that we may not dispute for one Thing and vote for another ; and since the Bill will certainly destroy Multitudes, if it promotes the Sale of distill'd Spirits, and it has been proved that it will promote it, I know not by what Appellation to denominate its Effects, if that be deny'd me which has been already used.’

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Then the Question being put, that the third Reading of An. 16. Geo. H. the said Bill be put off for five Days, it was resolv'd in the Negative, by 52 against 29. And the next Day was appointed for the Reading thereof, and an Order made for summoning the Lords to attend. 1742.

The House being met accordingly, Lord *Hervey* spoke to the following Effect :

*My Lords,*

‘ The Tendency of the Bill, which we are now to approve or reject, is so apparently destructive to the Ends of Government, so apparently dangerous to publick Happiness, and so contrary to the Institutions of the most celebrated Lawgivers, and the Policy of the most flourishing Nations, that I still continue to think it my Duty to struggle against it. Lord Hervey.

‘ Almost every Legislature of the World, my Lords, from whatever Original he derived his Authority, has exerted it in the Prohibition of such Foods as tended to injure the Health, and destroy the Vigour of the People for whom he design'd his Institutions.

‘ The great Instructor of the *Jews* \*, who delivered his Laws by divine Authority, prohibited the Use of Swine's Flesh, for no other Cause, so far as human Reason is able to discover, than that it corrupted the Blood, and produced loathsome Diseases and Maladies which descended to Posterity ; and therefore in prohibiting, after his Example, the Use of Liquors which produce the same Effects, we shall follow the Authority of the great Governor of the Universe.

‘ The Author of another Religion †, a Religion founded, indeed, on Superstition and Credulity, but which prevails over a very great Part of the Earth, has laid his Followers under Restraints still more severe ; he has forbidden them to dispel their Cares, or exalt their Pleasures with Wine, has banish'd from their Banquets that useful Opponent of troublesome Reflection, and doom'd all those who receive his Law, not to Sobriety only but to Abstinence.

‘ The Authority of this Man, my Lords, cannot indeed be urged as unexceptionable and decisive ; but the Reception of his Imposture shews, at least, that he was not unacquainted with human Nature, and that he knew how to adapt his Forgeries to the Nations among which he vented them ; nor can it be denied, but the Prohibition of Wine was found generally useful, since it obtained so ready a Compliance.

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\* Moses.

† Mahomet.

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‘ All Nations of the World, my Lords, in every Age of which there remain any historical Accounts, have agreed in the Necessity of laying Restraint upon Appetite, and setting Bounds to the Wantonness of Luxury. Every Legislature has claimed and practised the Right of Withholding those Pleasures which the People have appeared inclined to use to Excess, and preferring the Safety of Multitudes whom Liberty would destroy, to the Convenience of those who would have enjoyed it, within the Limits of Reason and of Virtue.

‘ The Welfare of the Publick, my Lords, has always been allow’d the supreme Law ; and when any Governors sacrifice the general Good either to private Views, or temporary Convenience, they deviate at once from Integrity and Policy ; they betray their Trust, and neglect their true Interest,

‘ The Prohibition of those Commodities which are instrumental to Vice, is not only dictated by Policy but Nature, nor does it indeed require much Sagacity, when the Evil is known, to find the proper Remedy ; for even the *Indians* who have not yet reduc’d the Art of Government to a Science, nor learned to make long Harangues upon the different Interests of Foreign Powers, the Necessity of raising Supplies, or the Importance and Extent of Manufactures, have yet been able to discover, that distill’d Spirits are pernicious to Society, and that the Use of them can only be hinder’d by prohibiting the Sale.

‘ For this Reason, my Lords, they have petitioned, that none of this delicious Poison should be imported into *Georgia* ; they have desired us to confine this Fountain of Wick- edness and Misery to stream in our own Country, without pouring upon them those Inundations of Debauchery, by which we are ourselves overflow’d.

‘ When we may be justly sent to learn from the rude and ignorant *Indians* the first Elements of Civil Wisdom, we have surely not much Right to boast of our Foresight and Knowledge ; we must surely confess, that we have hitherto valued ourselves upon our Arts with very little Reason, since we have not learned how to preserve either Wealth or Virtue, either Peace or Commerce.

‘ The Maxims of our Politicians, my Lords, differ widely from those of the *Indian* Savages, as they are the Effects of longer Consideration, and Reasonings formed upon more extensive Views. What *Indian*, my Lords, would have contrived to hinder his Countrymen from Drunkenness, by placing that Liquor in their Houses which tempted them to Excess ; or would have discovered that Prohibitions only

were

were the Cause of boundless Excesses ; that to subdue the Appetite nothing was necessary but to solicit it ; and that what was always offered would never be received ? The *Indians*, in the Simplicity of Men unacquainted with *European* and *British* Refinement, imagined, that to put an End to the Use of any Thing, it was only necessary to take it away ; and conceived, that they could not promote Sobriety more effectually, than by allowing the People nothing with which they could be drunk.

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‘ But if our Politicians should send Missionaries to teach them the Art of Government, they would quickly be shewn, that if they would accomplish their Design, they must appoint every tenth Man among them to distribute Spirits to the Nine, and to drink them himself in what Quantity they shall desire, and that then the Peace of their Country will be no longer disturb’d by the Quarrels of Debauchery.

‘ It is, indeed, not without Amazement, that I hear this Bill seriously defended as a Scheme for suppressing Drunkenness ; and find some Lords, who admit that fifty thousand Houses will be opened for the publick Sale of Spirits, assert that a less Quantity of Spirits will be sold.

‘ The Foundation of this Opinion is in itself very uncertain ; for nothing more is urged, but that all who sell under the Sanction of a Licence will be ready to inform against those by whom no Licence has been purchased, and that therefore fifty thousand licensed Retailers may hurt a greater Number, who now sell Spirits in Opposition to the Law.

‘ All this, my Lords, is very far from Certainty ; for it cannot be proved, that there are now so great a Number of Retailers as this Act may produce ; it is likely that Security will encourage many to engage in this Trade, who are at present deterred from it by Danger. It is possible, that those who purchase Licences may nevertheless forbear to prosecute those that sell Spirits without the Protection of the Law. They may forbear, my Lords, from the common Principles of Humanity, because they think those poor Traders deserve rather Pity than Punishment ; they may forbear from a Principle that operates more frequently, and too often more strongly, a Regard to their own Interest. They may themselves offend the Law by some other Parts of their Conduct, and may be unwilling to provoke an Inspection into their own Actions, by betraying officiously the Faults of their Neighbours ; or they may be influenced by immediate Terrors, and expect to be hunted to Death by the Rage of the Populace.

‘ All these Considerations may be urged against the only

An. 16. Geo. II. Supposition that has been made, with any Shew of Reason, in favour of the Bill ; and of these various Circumstances some one or other will almost always be found. Every Man will have either Fear or Pity, because almost every good Man is inclin'd to Compassion, and every wicked Man is in Danger from the Law ; and I do not see any Reason for imagining, that the People will tolerate Informers more willingly now than of late Years.

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But suppose it should be granted, tho' it cannot be certain, and has not yet been shewn to be probable, that the clandestine Trade will be interrupted, I am not able to follow these ministerial Reasoners, immediately to the Consequence which they draw from this Concession, and which must be drawn from it, if it be of any Use in the Decision of the Question ; nor can I see that the Consumption of Spirituous Liquors will be made less.

Let us examine, my Lords, the Premises and the Consequences together, without suffering our Attention to be led astray by useless Digressions. Spirits will be now sold only with Licence ! therefore less will be sold than when they were sold only by Stealth !

Surely, my Lords, such Arguments will not much influence this Assembly. Why, my Lords, should less be bought now than formerly ? It is not denied, that there will be in every Place a licens'd Shop where Drunkenness may riot in Security, and what can be more inviting to Wretches who place in Drunkenness their utmost Felicity ? If you should favourably suppose no more to be sold, yet why should those who now buy any supposed Quantity, buy less when the Restraint is taken away ?

If it be urged, that the present Law does in Reality impose no Restraint, the intended Act will make no Alteration. There is no real Prohibition now ; there will be no nominal Prohibition hereafter ; and therefore the Law will only produce what it's Advocates expect from it, a yearly Addition to the Revenue of the Government. But, my Lords, let us at last enquire, to what it is to be imputed, that the present Law swells the Statute-Book to no Purpose ; and why this pernicious Trade is carried on with Confidence and Security, in Opposition to the Law ? It will not surely be confessed, that the Government has wanted Authority to execute its own Laws ; that the Legislature has been awed by the Populace, by the Dregs of the Populace, the Drunkards and the Beggars ! yet when the Provisions made for the Execution of a Law so salutary, so just, and so necessary, were found defective, why were not others substituted

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of greater Efficacy ? Why, when one Informer was torn in Pieces, were there not new Securities proposed to protect those who should by the same Offence displease the People afterwards ?

An. 16. Geo. II.

1742.

‘ The Law, my Lords; has failed of a great Part of its Effect ; but it has failed by Cowardice on one Part, and Negligence on another ; and though the Duty, as it was laid, was in itself somewhat invidious, it would however have been enforced, could the Revenue have gained as much by the Punishment, as was gained by the Toleration of Debauchery.

‘ It has however some Effect ; it may be imagined, that no Man can be trusted where he is not known, and that some Men are known too well to be trusted ; and therefore many must be occasionally hindered from drinking Spirits, while the Law remains in its present State, who, when Houses are set open by Licence, will never want an Opportunity of complying with their Appetites.

‘ This Bill, therefore, my Lords, is, as it has been termed, only an Experiment ; an Experiment, my Lords, of a very daring Kind, which none would hazard but Empirical Politicians. It is an Experiment, to discover how far the Vices of the Populace may be made useful to the Government, what Taxes may be raised upon Poison, and how much the Court may be enriched by the Destruction of the Subject.

‘ The Tendency of this Bill is so evident, that those who appeared as its Advocates have rather endeavoured to defeat their Opponents, by charging their Proposals with Absurdity, than by extenuating the ill Consequences of their own Scheme.


‘ Their principal Charge is, that those who oppose the Bill recommend a total Prohibition of all Spirits. This Assertion gives them an Opportunity of abandoning their own Cause, to expatiate upon the innocent Use of Spirits, of their Efficacy in Medicine, and their Convenience in domestick Business, and to advance a Multitude of Positions which they know will not be denied, but which may be at once made useless to them, by assuring them that no Man desires to destroy the Distillery for the Pleasure of destroying it, or intends any Thing more than some Provisions which may hinder distilled Spirits from being drank by common People upon common Occasions.

‘ Having thus obviated the only Answer that has hitherto been made to the strong Arguments which have been offered against the Bill, I must declare, that I have heard nothing

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else



An. 16. Geo. II. 1742.  else that deserves an Answer, or that can possibly make any Impression in Favour of the Bill : A Bill, my Lords, teeming with Sedition and Idleness, Diseases and Robberies ; a Bill that will enfeeble the Body, corrupt the Mind, and turn the Cities of this populous Kingdom into Prisons for Villains, or Hospitals for Cripples ; and which I think it therefore our Duty to reject.

The Lord *Lonsdale* spoke next to the Effect following :

*My Lr.s,*

Lord *Lonsdale*.

‘ The Bill, on which we are now finally to determine, is of such a Tendency, that it cannot be made a Law, without an open and avowed Disregard to all the Rules which it has been hitherto thought the general Interest of human Nature to preserve inviolable. It is opposite at once to the Precepts of the Wise, and the Practice of the Good ; to the original Principles of Virtue, and the established Maxims of Policy.

‘ I shall however only consider it with relation to Policy, because the other Consideration will naturally co-incide.

‘ The first Principle of Policy, my Lords, teaches us, that the Power and Greatness of a State arises from the Number of its People ; uninhabited Dominions are an empty Show, and serve only to encumber the Nation to which they belong, they are a Kind of pompous Ornaments, which must be thrown away in Time of Danger, and equally unfit for Resistance and Retreat.

‘ In the present War, my Lords, if the Number of our People were equal to that of the two Nations against which we are engaged, the Narrowness of our Dominions would give us a relentless Superiority ; as we have fewer Ports to defend, we might send more Forces to attack our Enemies, who must be weak in every Part, because they must be dispersed to a very great Extent. The Torrent of War, as a Flood of Water, is only violent while it is confin’d, but loses its Force as it is more diffused.

‘ In consequence of this Maxim. my Lords, it is proposed, that because we are at War against two mighty Powers, we shall endeavour to destroy by Spirits at home those who cannot fall by the Sword of the Enemy, and that we endeavour to hinder the Production of another Generation ; for it is well known, and has in this Debate been universally allow’d, that the present Practice of drinking Spirits will not only destroy the present Race but debilitate the next.

‘ This surely, my Lords, is a Time at which we ought very studiously to watch over the Preservation of those Lives which we are not compelled to expose, and endeavour to retrieve

relieve the Losses of War by encouraging Industry, Temperance and Sobriety. An. 16. Geo. II.  
1742.

‘ Another Principle of Government which the Wisdom of our Progenitors established, was to suppress Vice with the utmost Diligence; for as Vice must always produce Misery to those whom it infects, and Danger to those who are considered as its Enemies, it is contrary to the End of Government; and the Government which encourages Vice is necessarily labouring for its own Destruction: For the Good will not support it, because they are not benefited by it, and the Wicked will betray it because they are wicked.

‘ How little then, my Lords, do our sagacious Politicians understand their own Interest by promoting Drunkenness and Luxury, of which the natural Train of Consequences are Idleness, Necessity, Wickedness, Desperation, Sedition, and Anarchy! How little do they understand what it is that gives Stability to the Fabrick of our Constitution, if they imagine it can long stand, when it is not supported by Virtue.

‘ In Consequence of these Maxims, another may be advanced, that all Trades; which tend to impair either the Health or Virtue of the People, should be prohibited; for since the Strength of the Community consists in the Number and the Happiness of the People, no Trade deserves to be cultivated which does not contribute to the one or the other; for the End of Trade, as of all other human Attempts, is the Attainment of Happiness.

‘ If any Trade that conduces not to the Happiness of the Community by encreasing either the Number or the Virtue of the People, be industriously cultivated, the Legislature ought to suppress it; if any Manufacture that administers Temptations to Wickedness be flourishing and extensive, it has already been too long indulged; and the Government can atone for its Remissness only by rigorous Inhibitions, severe Prosecutions, and vigilant Inquiries.

‘ That the Trade of Distilling, my Lords, had advanced so fast among us, that our Manufacturers of Poison are arriv’d at the utmost Degree of Skill in their Profession, and that the Draughts which they prepare are greedily swallowed by those who rarely look beyond the present Moment, or inquire what Price must be paid for the present Gratification; that the People have been so long accustomed to daily Stupor, that they are become mutinous, if they are restrained from it; and that the Law which was intended to suppress their Luxury cannot, without Tumults and Bloodshed, be  
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An. 16. Geo. II.  
1742.

put in Execution, are, in my Opinion, very affecting Considerations, but they can surely be of no Use for the Defence of this Bill.

‘ The more extensive the Trade of Distilling, the more must swallow the Poison which it affords ; the more palatable the Liquor is made, the more dangerous is the Temptation ; and the more corrupt the People are become, the more urgent is the Necessity of extirpating those that have corrupted them.

‘ I am not, my Lords, less convinced of the Importance of Trade, than those Lords who have spoken in the most pathetic Language for the Continuance of the Manufacture ; but my Regard for Trade naturally determines me to vote against a Bill by which Idleness, the Pest of Commerce, must be encouraged, and those Hands, by which our Trade is to be carried on, must be first inebled and soon afterwards destroyed.

‘ Nor is this Kind of Debauchery, my Lords, less destructive to the Interest of those whose Riches consist in Lands than of those who are engaged in Commerce ; for it undoubtedly hinders the Consumption of almost every Thing that Land can produce, of that Corn which should be made into Bread, and brewed into more wholesome Drink, of that Flesh which is fed for the Market, and even of that Wool which should be worked into Cloth. It has been often mentioned ludicrously, but with too much Truth, that strong Liquors are to the meaner People, Meat, Drink and Cloaths ; that they depend on them alone for Sustenance and Warmth, and that they desire to forget their Wants in Drunkenness rather than supply them. If we therefore examine this Question with regard to Trade, we shall find, that the Money which is spent in Drunkenness for the Advantage only of one Distiller, would support, if otherwise expended, a great Number of Labourers, Husbandmen and Traders, since one Man employed at the Still may supply by the Means of Debauchery such Numbers, as could not be furnished with innocent Victuals and warm Cloaths, but by the Industry of many Hands, and the Concurrence of many Trades.

‘ Numbers, my Lords, are necessary to Success in Commerce as in War ; if the Manufacturers be few, Labour will be dear ; and the Value of the Commodity must always be proportioned to the Price of Labour.

‘ These, my Lords, are the Arguments by which I have hitherto been incited to oppose this Bill, which I have not found that any of its Defenders can elude ; for they content themselves with a cowardly concession to the Multitude, allow

low them to proceed in Wickedness, confess they have found themselves unable to oppose their sovereign Pleasure, or to withhold them from pursuing their own Inclinations; and therefore have sagaciously contrived a Scheme, by which they hope to gain some Advantage from the Vices which they cannot reform.

Ans. 16. Geo. II.  
1742.

‘ But, who, my Lords, can without Horror and Indignation, hear those, who are entrusted with the Care of the Publick, contriving to take Advantage of the Ruin of their Country ?

‘ Let others, my Lords, vote as their Consciences will direct them, I shall likewise follow the Dictates of my Heart; and shall avoid any Concurrence with a Scheme, which though it may for a Time benefit the Government, must destroy the Strength and Virtue of the People, and at once impair our Trade, and depopulate our Country.

Lord *Carteret* then rose up, and spoke in Substance as follows :

*My Lords,*

‘ The Warmth with which this Debate has been hitherto carried on, and with which the Progress of this Bill has been opposed, is, in my Opinion, to be imputed to strong Prejudices formed when the Question was first proposed; by which the noble Lords have been incited to warm Declamations, and violent Invectives, who having once heated their Minds with Suspicions, have not been able to consider the Propositions before them with Calmness and Impartiality; but have pursued their first Notions, and have employed their Eloquence in displaying the Absurdity of Positions never advanced, and the Mischief of Consequences which will never be produced.

‘ It is first to be considered, my Lords, that this Bill is intended, not to promote, but to hinder, the Consumption of Spirituous Liquors; it is therefore by no Means necessary to expatiate upon that which is presupposed in the Bill, the pernicious Quality of Spirits, the detestable Nature of Drunkenness, the Wickedness or Miseries which are produced by it. Almost all that has been urged by the noble Lords who have spoken with the greatest Warmth against the Bill, may reasonably be conceived to have been advanced for it by those who projected it; of whom it may be justly imagined, that they were fully convinced how much Spirits were abused by the common People, and how much that Abuse contributed to the Wickedness which at present prevails.

AN. 16. Geo. II. vails against us, since they thought it necessary to prevent them by a new Law.

1742.

‘ But, my Lords, when they saw, that the Abuse of distilled Liquors was in a very high Degree detrimental to the Publick, they saw likewise, that the Trade of Distilling was of great Use, that it employed great Numbers of our People, and consumed a great Part of the Produce of our Lands; and that therefore it could not be suppressed, without injuring the Publick, by reducing many Families to sudden Poverty, and by depriving the Farmers of a Market for a great Part of their Corn. In the Low Countries of the West of England, the Grain that is chiefly cultivated is Barley, and that Barley is chiefly consumed by the Distillers; nor, if they should be at once suppressed, could the Husbandman readily sell the Produce of his Labour and his Grounds, or the Landlord receive Rent from his Estate since it would then produce nothing, or what is in Effect the same, nothing that could be sold.

‘ It is indeed possible, my Lords, that the Dutch might buy it; but then it must be considered, that we must pay them Money for the Favour, since we allow a Premium upon Exportation, and that we shall buy it back again in Spirits; and consequently pay them for manufacturing our own Product. For it is not to be imagined, that any Law will immediately reclaim the Dispositions, or reform the Appetites of the People. They are well known to have drank Spirits before they were made in our Country, and to indulge themselves at present in many Kinds of Luxury which are yet loaded with a very heavy Tax. It is not therefore probable, that upon the Imposition of a high Duty they will immediately desist from drinking Spirits; they will indeed, as now, drink those which can be most easily procured, and if, by a high Tax suddenly imposed, foreign Spirits be made cheaper than our own, foreign Spirits only will be used, our Distillery will be destroyed, and our People will yet be unreformed.

‘ That heavy Taxes will not deter the People from any favorite Enjoyment, has been already shewn by the Unsuccessfulness of the last Attempt to restrain them from the Use of Spirits; and may be every Day discovered from the Use of Tobacco which is universally taken by the common People, though a very high Duty is laid upon it, and tho’ a King thought it so pernicious that he employed his Pen against it \*. The Commons therefore prudently forbore to use

\* King James the First wrote a Piece, call’d, *A Counterblast against Tobacco*.

use violent Measures, which might disgust the People, but which they had no Reason to believe sufficient to reform them; and thought it more expedient to proceed by gentle Methods, which might operate by imperceptible Degrees, and which might be made more forcible and compulsive, if they should be found ineffectual.

An. 16. Geo. II.

1742.

Another Evil will by this Means likewise be avoided, which is the certain Consequence of high Duties; this Tax will produce no clandestine Frauds nor rebellious Defiance of the Legislature; the Distillers will not be tempted to evade this Impost by Perjuries, too often practised, where the Profit of them is great; nor Smugglers to assemble in numerous Troops with Arms in their Hands, and carry imported Liquors through the Country by Force, in Opposition to the Officers of the Customs, and the Laws of the Nation. That this likewise is practised upon other Occasions to escape heavy Taxes, every Day's Papers inform us; nor are there many Months in which some of the King's Officers are not maimed or murdered in doing their Duty.

All these Evils, my Lords, and a thousand others, will be avoided by an easy Tax, in favour of which I cannot but wonder that it should be necessary to plead so long, since every Nation, which has any Pretensions to Civility or a regular Government, will agree, that heavy Imposts are not to be wantonly inflicted, and that Severity is never to be practis'd till Lenity has fail'd.

It therefore appears to me, my Lords, that Justice, Reason, and Experience, unite in favour of this Bill, and that nothing is to be feared from it, but that it will not be sufficiently coercive, nor restrain the Use of Spirits so much as is hoped by those that have stood up in its Vindication. That it can encourage Drunkenness, or encrease the Consumption of distill'd Liquors, is surely impossible; for they are now drunk without Restraint, and therefore no Restraint will be taken away; and since their Price must be encreased by a double Duty, it may reasonably be conceived, that those who now spend all that they can gain by their Labour in Drunkenness, must be content with less than before, because they will have much less to spend, and what has hitherto enabled them to riot in Debauchery, will no longer be sufficient for the same Purposes; the same Excess will require more Money, and more Money cannot be had.

I do not affirm, my Lords, that the Success of this Bill is demonstrably certain; nor can I deny, that many Arguments have been alledg'd against it which cannot easily be confuted; all that I can venture to assert is, that, in my  
Opinion,

An. Geo. 16. II. Opinion the Reasons for the Bill preponderate ; not that those against it are without Weight.

1742.

‘ Of this, at least, we are certain, that the Bill can produce no ill Consequences, and that if the Experience of the ensuing Year shall shew it to be ineffectual, it may be amended in the next Session, by new Provisions, which we shall be then more able to adjust for the Benefit of the Publick.

‘ All Laws, especially those which regard complicated and intricate Affairs, have been perfected by Degrees ; Experience has discovered those Deficiencies which Sagacity could not foresee, and the Progress of human Wisdom has been always slow. To charge any Scheme with Imperfection is only to alledge, that it is the Production of Men, of Beings finite in their Capacity and liable to Error ; nor do I see what can recommend to such Beings, more than what the Government is now endeavouring to practise, that nothing should be done precipitately, and that Experience should always be trusted rather than Conjecture.

The Lord *Londsdale* spoke next to the following Effect :

*My Lords,*

Lord *Londsdale*.

‘ The Arguments of the noble Lord have by no Means influenced me to alter My Opinion ; nor do I now rise up to pronounce a Recantation of any of my former Assertions, but to explain one of them which the noble Lord has been pleased to controvert.

‘ He observes, in Opposition to my Argument, that the Distillery contributes to the Consumption of the Produce of our Grounds, and by Consequence to the Advantage of those who possess them ; but I, my Lords, am inclined to believe, that it produces a contrary Effect, and that it hinders the Consumption even of that Grain which is employed in it.

‘ We may reasonably suppose, my Lords, that they who now drink distilled Liquors, would, if they were debarred from them, endeavour to obtain from Ale and Beer the same Relaxation of their Cares ; and that therefore more Ale would be brewed as there would be more Purchasers ; if therefore the same Quantity of Malt, which is sufficient, when distilled, to produce Intoxication, would, when brewed into Ale, have the same Effect, the Consumption would still be the same, whether Ale or Spirits were in Use ; but it is certain, that the fourth Part of the Malt which is necessary to furnish Ale for a Debauch, will, when rais'd in the Still, be sufficient to satisfy the most greedy Drunkard ; and it is therefore

therefore evident, that he who drinks Ale consumes more Barley by three Parts in four, than he who indulges the Use of Spirits, supposing them both equally criminal in the Excess of their Enjoyments. An. 16. Geo. II.  
1742.

‘ The noble Lord has taken Occasion to mention Tobacco, as an Instance of the Obstinacy with which the People persevere in a Practice to which they are addicted. Of the Obstinacy of the People, my Lords, I am sufficiently convinced ; but hope that it will never be able to overpower the Legislature, who ought to enforce their Laws and invigorate their Efforts in Proportion to the Excess of the Corruption which they are endeavouring to extirpate ; nor do I think so meanly of our Government as to believe it unable to repress Drunkenness or Luxury, or in Danger of being subverted in a Contest about Spirits or Tobacco.

‘ Tobacco has indeed not very properly been produced as an Instance ; for I never heard, that, however it may be disapproved by particular Men of whatever Rank or Abilities, it was prohibited by Law ; nor should I think any such Prohibition necessary or reasonable : For Tobacco, my Lords, is not Poison like distilled Spirits, nor is the Use of it so much injurious to Health as offensive to Delicacy.

‘ The poisonous and destructive Quality of these Liquors is confessed by the noble Lord ; a Confession with which I find it very difficult to reconcile his great Concern for the Distillery ; for when it is once granted, that Spirits corrupt the Mind, weaken the Limbs, impair Virtue, and shorten Life, any Arguments in Favour of those who manufacture them come too late ; since no Advantage can be equivalent to the Loss of Honesty and Life. When the noble Lord has urged, that the Distillery employs great Numbers of Hands, and therefore ought to be encouraged.---May it not, upon his own Concession, be replied, that those Numbers are employed in Murder, and that their Trade ought like that of other Murderers to be stopped ? When he urges, that much of our Grain is consumed in the Still, may we not answer, and answer irresistibly, that it is consumed by being turned into Poison instead of Bread ? And can a stronger Argument be imagined for the Suppression of this detestable Business, than that it employs Multitudes, that it is gainful and extensive ?

‘ Nor can I discover, my Lords, how the Case of preserving the Distillery is consistent with the Ends which the Preamble to this Bill declares to be proposed, or which the Advocates for it appear to desire. If the Consumption of distilled Spirits is to be hindered, how is the Distillery to remain



An. 16. Geo. II. remain uninjur'd ? If the Trade of Distilling is not to be  
 1742. impaired, what shall hinder the Consumption of Spirits ?  
 So far as this Bill operates, the Distillers must be impoverish-  
 ed by it, and if they may properly and justly suffer a small  
 Diminution of their Profit for a small Advantage to the Pub-  
 lick, why will not a greater Benefit be equivalent to a greater  
 Diminution ?

‘ Nothing, my Lords, is more apparent than that the real  
 Design of this Bill, however its Defenders may endeavour to  
 conceal it in the Mists of Sophistry, is to lay only such a  
 Tax as may encrease the Revenue ; and that they have no  
 Desire of suppressing that Vice which may be made useful to  
 their private Purpose, nor feel any Regret in filling the Ex-  
 chequer by the Slaughter of the People.

The Earl of *Aylesford* then rose up and spoke to the fol-  
 lowing Purport :

*My Lords,*

E. of Aylesford. ‘ The noble Lord who spoke last in Defence of this new  
 Scheme, appears to have imbibed very strong Prejudices in  
 favour of the Distillery ; from which he finds it practicable  
 to draw large Sums for the Support of the Measures which  
 have been lately formed, and which he therefore considers  
 as the most important and beneficial Trade of the *British*  
 Nation.

‘ It is not improbable, my Lords, that in a short Time  
 all the Provisions which have been made by the Wisdom of  
 our Ancestors for the Support of the Woollen Manufacture,  
 will be transferred to the Encouragement of the Distillery  
 which appears to be at present the reigning Favourite ;  
 for it is evident, that both Manufactures cannot subsist to-  
 gether, and that either must be continu'd to the Ruin of the  
 other.

‘ Of these Rivals, which is doomed to fall, we may con-  
 jecture from the Encomium just now bestow'd upon the Pru-  
 dence of the Commons, by whom the darling Distillery has  
 been so tenderly treated ; yet that the Trade, in which the  
 Bounty of Nature has enabled us to excel all other Nations  
 of the World, may not be suffered to perish in Silence, I  
 will take this Opportunity to declare, that this boasted Pru-  
 dence can, in my Opinion, produce no other Effects than  
 Poverty and Ruin, private Calamities and general Wicked-  
 ness ; that by encouraging Drunkenness at the Expence of  
 Trade, it will stop all the Currents by which the Gold of  
 Foreign Nations has flowed upon us, and expose us to Con-  
 quest and Slavery.

The

The Question being then put, that the Bill do pass, it was resolv'd in the Affirmative. An. 16. Geo. II. 1742.

|         |    |      |             |    |      |
|---------|----|------|-------------|----|------|
| Content | 59 | } 82 | Not-Content | 38 | } 55 |
| Proxies | 23 |      | Proxies     | 17 |      |

The following Lords enter'd their Dissent, viz. the Abp of Canterbury, Dr Potter; the Bishop of St Asaph, Dr Maddox; Bishop of London, Dr Gibson; Bishop of Chichester, Dr Mawson; Bishop of Norwich, Dr Gooch; Bishop of Gloucester, Dr Benson; Bishop of Oxford, Dr Secker; Bishop of Exeter, Dr Claget; Bishop of Bristol, Dr Butler; Bishop of Sarum, Dr Sherlock; also the Lords Romney, Stanhope and Aylesford, the Duke of Beaufort, and Lord Gower, C. P. S.

The Bill for Spirituous Liquors pass'd.

And a Protest was enter'd with the following Reasons.

‘ I. Because the Act of the 9th of his present Majesty, To prevent the excessive drinking of Spirituous Liquors, which is by this Bill to be repealed, declares, ‘ That the drinking of Spirituous Liquors or strong Waters is become very common, especially amongst the People of lower or inferior Rank, the constant and excessive Use whereof tends greatly to the Destruction of their Healths, rendering them unfit for useful Labour and Business, debauching their Morals, and inclining them to perpetrate all Manner of Vices; and the ill Consequences of the excessive Use of such Liquors, are not confined to the present Generation, but extend to future Ages, and tend to the Devastation and Ruin of this Kingdom.’ We therefore apprehend, that if an Act design'd to remedy such indisputable Mischiefs was not found adequate to its salutary Intention, the Wisdom of the Legislature ought to have examin'd its Imperfections and supply'd its Defects, and not have rescinded it by a Law authorising the manifold Calamities it was calculated to prevent.

Protest on that Occasion.

‘ II. Because the refusing to admit the most eminent Physicians, to give their Opinions of the fatal Consequences of these poisonous Liquors, may be construed without Doors as a Resolution of this House to suppress all authentick Information of the pernicious Effects on the Health and Morals of Mankind, which will necessarily flow from the unrestrain'd Licentiousness permitted by this Bill.

‘ III. Because, as it is the inherent Duty of every Legislature to be watchful in protecting the Lives, and preserving the Morals of the People, so the Availing itself of their Vices, Debaucheries, and consequential Miseries, to the Destruction of Millions, is a manifest Inversion of the fundamental Principles of national Polity, and contrariant to  
‘ those

An. 16. Geo. II. 1742. { those social Emoluments by which Government alone is instituted.

IV. Because the Opulence and Power of a Nation depend upon the Numbers, Vigour, and Industry of its People; and its Liberty and Happiness on their Temperance and Morality; to all which this Bill threatens Destruction, by authorising fifty thousand Houses, the Number admitted in the Debate, to retale a Poison, which, by universal Experience, is known to debilitate the Strong, and destroy the Weak; to extinguish Industry, and to inflame those intoxicated by its malignant Efficacy, to perpetrate the most heinous Crimes: For, what Confusion and Calamities may not be expected, when near a twentieth Part of the Houses in this Kingdom shall be converted into Seminaries of Drunkenness and Profligacy, authorised and protected by the Legislative Power? And as we conceive the Contributions to be paid by these infamous Recesses, and the Money to be raised by this destructive Project, are Considerations highly unworthy the Attention of Parliament, when compared with the extensive Evils from thence arising; so are we of Opinion, that if the real Exigencies of the Publick required raising the immense Sums this Year granted, they could by no Means palliate the having Recourse to a Supply founded on the Indulgence of Debauchery, the Encouragement of Crimes, and the Destruction of the human Race.

*Sandwich, Chesterfield, Talbot, Haversham, Dunk Hallifax, Bristol, Aylesbury.*

For the above Reasons excepting the second. *Bedford, Oxford and Mortimer, Ward.*

Feb. 28. The Lords read the first Time a Bill for repealing the Pot Act \*.

March 1. The Lords read a second Time the said Bill, and the first Time a Bill to convict Persons found at large, after order'd for Transportation. The same Day the Lords finished the Hearing of the great Cause wherein *Alexander Hume Campbell*, Esq; was Appellant, and *David Home* and *John Sinclair*, Respondents; when the Decree of the Lords of Session of Scotland was revers'd, and Mr *John Sinclair* cast in the Penalty of 500 l. †

*March*

\* This Act was pass'd 12 Geo. I. And thereby a Sum not less than one Pound, nor more than six, yearly, was payable by every Victualler within the Bills of Mortality; and no Beer or Ale was to be sold out of their House in any Vessel of less Measure than a Gallon.

† See the 13th Volume of the Commons, P. 50.

*March 7.* The Lords read a first Time the Annuity and Lottery Bills. Read a second Time the Mutiny Bill. In a Committee, went through the Bill for the more easy Conviction of Persons returning from Transportation, with several Amendments. Also, in a Grand Committee, went thro' the Bill for repealing the Pot Act, and reported it without Amendment. Also a Bill to punish Persons who shall assist Prisoners to escape.

An. 16. Geo. II.

1742.

*March 9.* The Lords read a third Time, and passed the Bill for repealing the Pot Act; also the Bill for punishing Persons who shall assist Prisoners to escape from Prison. Read a second Time the Bill for raising One Million by Annuities at three *per Cent.* and 800,000 *l.* by a Lottery for 1743. In a Grand Committee went thro' the Mutiny Bill, and reported it without Amendment. Read a first Time the Bill to empower Justices to act in certain Cases.

*March 10.* The Lords read a third Time, and passed the Mutiny Bill. Read a first Time a Bill for further quieting and establishing Corporations, which was ordered a second Reading, and the Lords to be summon'd.

The said Bill is as follows :

‘ **W H E R E A S**, as the Law now stands, Members of Bill for further  
 ‘ Corporations are liable to be prosecuted and disfranchised for quieting Corpora-  
 ‘ being unduely elected, and for other Causes without any tations.  
 ‘ Limitation of Time, to their great Expence, Vexation and  
 ‘ Trouble; and, in many Cases, to the great Confusion and  
 ‘ sometimes to the Overturning and Dissolution of the Cor-  
 ‘ porate Bodies of which they are Members: For Remedy  
 ‘ thereof, and for establishing the Peace and Quiet of Corpo-  
 ‘ rations, may it please your most excellent Majesty, That it  
 ‘ may be enacted, ~~and be it enacted~~, by the King’s most  
 ‘ excellent Majesty, by and with the Advice and Consent of  
 ‘ the Lords Spiritual and Temporal, and Commons in this  
 ‘ present Parliament assembled, and by the Authority of the  
 ‘ same, That from and after the Day of  
 ‘ no Person who hath been or shall be in the actual Possession  
 ‘ of any Office or Offices of Mayor, Bailiff, Recorder, Alder-  
 ‘ man, Jurat, Common-Council, Capital Burgeis, Town-  
 ‘ Clerk; or other Office or Offices of Magistracy or Employ-  
 ‘ ment, relating to or concerning the Government of any Ci-  
 ‘ ty, Corporation, Borough or Cinque-Port, shall be remov’d  
 ‘ from the same, or prosecuted for the Exercise thereof, for  
 ‘ or by reason of any Disability, or Want of Qualification  
 ‘ for such Office or Offices, or for or by reason of any undue  
 ‘ or irregular Election or Admission to such Office or Offices,

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‘ or

An. 16. Geo. II. 1742. { or for or by reason of any Forfeiture of the same ; nor shall  
 any Forfeiture or Penalty be incurr'd, nor the Right of any  
 such Officer or Officers be call'd in Question, nor shall any  
 of their Acts, not yet avoided, be question'd or avoided,  
 unless such Person or Persons be removed from, or prosecuted  
 for the Lawful Exercise of such Office or Offices within  
 after such Person or Persons hath  
 or have been, or shall be elected or admitted to, or placed  
 in, or first in the actual Possession of such Office or Offices,  
 or after such Disability, Want of Qualification, or Forfeiture  
 first incurr'd: And unless (in Case of a Prosecution) the  
 same be carried on with Effect and due Diligence ; **Provided**  
**always**, That nothing herein contained shall extend, or be  
 construed to extend to invalidate or make void any Charter  
 heretofore granted, or accepted by any City, Corporation,  
 Borough, or Cinque Port ; nor to make good the Election  
 of any such Officer or Officers, against whom any Judgment  
 of Ouster shall have been enter'd, or given upon an Information,  
 in the Nature of a *Quo Warranto*, or whose Election  
 shall have been avoided upon any Writ of *Mandamus*, on or  
 before the Day of

Account of the  
 Motives for  
 bringing in the  
 said Bill.

This Bill took its Rise from an Appeal which came before  
 the House on the first of *December*. For illustrating of which  
 it is necessary to observe, that in the Report \* of the Secret  
 Committee appointed to inquire into the Conduct of the Earl  
 of *Orford*, the said Committee set forth, ' That at the Ap-  
 proach of the late Elections, Mr. *Jordan*, then Mayor of  
 ' *Weymouth* and *Melcombe Regis*, and Mr. *Tucker*, were ve-  
 ry earnestly solicited to assist the Friends of Sir *Robert Wal-*  
 ' *pole* : But Intreaties being found fruitless, Menaces were  
 ' after made Use of, and Mr *Olmius*, one of the Candidates  
 ' declared that Mr. *Tucker*, by refusing to concur with him,  
 ' would expose himself to certain Ruin, and the Charter to  
 ' certain Subversion ; and further, that *if fair Means would*  
 ' *not do, foul must.*'

However Threats and Solicitations were equally disregarded,  
 and Representatives were returned of Principles contrary to the  
 Interest of the then Ministry. † Soon afterwards Mr. *Jordan*  
 was deprived of the Office of Land-Waiter of *Weymouth*, though,  
 before the general Election, he had been offered the Post of  
 Collector: And an Information against Mr *Tucker* and the  
 Corporation was filed in the Court of King's Bench, by an  
 Attorney of *St Clements Danes*. Mr. *Tucker*

\* See the said Report at Large, in the 13th Vol. of the Commons.

† See the List of the Parliament in the same Volume.

*Tucker* was required by a *Quo Warranto* to shew, by what Authority he exercised the Office of Mayor of *Weymouth*: Issue was joined upon eight Facts which were all determined in Favour of Mr. *Tucker*, by a special Jury of Gentlemen at the Assizes at *Dorchester*. But Mr. *Tucker* having alledged a By-Law of the Corporation, a Demurrer upon the Allegation was argued in the Court of King's Bench, where Judgment was given against Mr. *Tucker*, that he should be ousted or removed from the Mayoralty in favour of another who had already been set up against him; but to whom the Corporation refused to submit. Mr. *Tucker* hereupon appealed to the House of Lords.

An. 16. Geo. II.  
1742.



Printed Copies of the Case \* were presented to every Lord,  
and

\* *The following is the Case of Richard Tucker, Esq; the Appellant.*

**T**HE general Point in Dispute is, Whether Richard Tucker was duly elected Mayor of Weymouth and Melcombe Regis, in the County of Dorset, upon the Feast of St. Matthew, the Apostle, in the Year 1740, which is the Charter-Day for the Election of Mayors, and the single Objection to such Election being, That he was at the Time of such his Election one of the Aldermen of the said Borough and Town; The only Question is, Whether an Alderman of the said Borough and Town may be elected Mayor.

Case of Richard  
Tucker, Esq;

*This Borough was incorporated by a Charter of King James I. dated the first of July, in the 14th Year of his Reign, by the Name of Mayor, Aldermen, Bailiffs, Burgeses, and Commonalty of the Borough and Town of Weymouth and Melcombe Regis, in the County of Dorset, which establishes the Corporation to consist of one Mayor, divers Aldermen (without ascertaining the Number,) two Bailiffs and twenty four Capital Burgeses; then nominates John Roy, the first Mayor, and Richard Pitt, and ten others only, by Name, the first Aldermen, and to continue for Life, unless removed for Misbehaviour, by the Mayor, Aldermen, Bailiffs, and Principal or Capital Burgeses. The Charter then nominates Henry Mitchel and Roger Fry the first Bailiffs, to continue in the same Office untill two other of the Burgeses or Inhabitants of the said Borough or Town should be elected. And then appoints by Name the twenty four first Principal Burgeses, of which Number the said Henry Mitchel and Roger Fry (the first nominated Bailiffs,) are also two of the first nominated Capital Burgeses, and the said Capital Burgeses are to continue in their Offices for Life, unless removed for Misbehaviour.*

*The Charter proceeds to give Direction, how the Mayor and Bailiffs are annually to be elected; how, when, and in what Case, the Places of Aldermen vacant, upon Death or Removal, are to be supplied; and also, how the Places of Capital Burgeses vacant, upon Death or Removal, are to be supplied: And the several Clauses in the Charter for those Purposes respectively are in the Words following,*

*Et ulterius Volumus, ac per presentes pro Nobis, Hæredibus & Successoribus nostris, concedimus præfatis Majori, Aldermanis, Ballivis, Burgenfibus, & Communitati Burgi & Villæ prædictæ & Successoribus suis, quod Major & Aldermani Burgi & Villæ prædictæ pro tempore existente vel major pars eorum, de tempore in tempus, perpetuis futuris temporibus solam & plenam Potestatem et Auctoritatem habeant et habebunt eligendi*  
I i 2  
et nomi-

An. 26. Geo. II.  
1742.

Debate on an Ap-  
peal relating to  
the Charter of  
the Borough of  
Weymouth.

and the Council endeavoured to shew on one Side, that it could not be the Intention of the Charter to exclude an Alderman of *Weymouth* from the Mayoralty : And on the other, that an Alderman was by the whole Tenor of the Charter distinguished from a Burgeſs, and that being directed by their Charter to chooſe a Mayor from among the Burgeſſes, they were not at Liberty to chooſe an Alderman.

The Council being withdrawn, Lord *Talbot* ſpoke to the following Effect.

*My Lords,*

Lord *Talbot.*

‘ I have attended with the utmoſt Diligence to the Arguments which have been offered on each Side, and have endeavoured

& nominandi, & quod eligere & nominare poſſint & valeant annuatim & quolibet anno in perpetuum, in *Guilbalda* Burgi & Villæ prædictæ, aut in aliquo alio loco conveniente, intra Burgum & Villam prædictam congregati & aſſemblati in Feſto ſive Die Sancti *Matthæi* Apoſtoli qua ſæpe de Burgeſſ ſive INHABITANTIBUS Burgi ſive Villæ prædictæ, ex quibus quatuor ſic nominandi & eligendi Major, Aldermani, Ballivi, principales Burgeſſi ac alii Burgeſſes & Inhabit. Burgi & Villæ prædictæ pro tempore exiſtente (ad hoc etiam ibidem eodem die congreg. & aſſemblati) plenam habebunt & habebunt poteſtatem & auctoritatem, per majorem partem vocum eorundem ſic congregatorum, eligere & præficere unum fore & eſſe Majorem Burgi & Villæ prædictæ. Et ulterius volumus, ac per præſentes pro Nobis, Hæredibus & Succelloribus noſtris, concedimus præſatis Majori, Aldermanis, Ballivis, Burgeſſibus & Communitati Burgi & Villæ prædictæ, & Succelloribus ſuis, quod Major, Aldermani, Ballivi, & principales Burgeſſes Burgi & Villæ prædictæ pro tempore exiſtente, vel major pars eorum de tempore in tempus perpetuis futuris temporibus poteſtatem ac auctoritatem habeant ac habebunt eligendi & nominandi, & quod eligere & nominare poſſint & valeant in *Guilbalda* Burgi ſive Villæ prædictæ, congregati & aſſemblati in prædicto Feſto ſive Die Sancti *Matthæi* quolibet Anno in perpetuum duos de Burgeſſ. vel INHABITANTIBUS Burgi & Villæ prædictæ fore & eſſe Ballivos ejuſdem Burgi & Villæ. Et ſi contigeret Aldermanos Burgi & Villæ prædictæ pro tempore exiſtente, aut eorum aliquem vel aliquos aliquo tempore impoſſeum mori vel ab officiis illis amoveri vel decederi (quoſquidem Aldermanos & eorum aliquem vel aliquos pro mala gubernatione aut pro aliqua alia cauſa rationabili per Majorem & reliquos Aldermanorum ac Ballivorum & principal. Burgeſſ. Burgi & Villæ prædictæ pro tempore exiſtente, vel majorem partem eorundem amobilem & amobiles eſſe volumus) & que tempore mortis amotionis vel deſceſſu hujusmodi Aldermani vel Aldermanorum non erunt Octo Aldermani ſuper viventes & remanentes, quod tunc & toties bene liceat & necesseſt Majori & Aldermanis ſuperviventiſque & remanentiſque, nec non Ballivis & principalibus Burgeſſ. Burgi & Villæ prædictæ pro tempore exiſtente, vel majori parti eorundem in *Guilbalda* Villæ prædictæ ad hoc Congregatis tot quot deſecerint de prædicto numero Octo Aldermanorum ex Burgeſſ. vel Inhabit. Burgi & Villæ prædictæ Aldermanum vel Aldermanos Burgi & Villæ prædictæ eligere & præficere. Et ſi contigerit aliquem vel aliquos de prædictis viginti quatuor principalibus Burgeſſibus Burgi & Villæ prædictæ pro tempore exiſtente, aliquo tempore impoſſeum obire vel ab officiis

endeavoured to balance them with the utmost Impartiality, nor have I suffered any Prejudices to influence my Judgment; and, therefore, cannot but hope, that I shall find other Lords of the same Opinion with myself, since I have not very often found Opinions different, but where apparent Regard has been shewn to Difference of Interest.

‘ Upon considering the Charter, and the State of the Place to which it was granted, it appears very unlikely to me, that an Alderman should be excluded from being Mayor; it appears yet more unlikely, that the Charter should have been misunderstood by the Monarch that granted it, and that it should have been broken almost every Year

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ficiis illis amoveri vel decedere (quosquidem principales Burgenſes et eorum aliquem vel aliquos in officiis illis ſe non bene gerentem vel gerentes, aut pro aliqua alia cauſa rationabili per Majorem, Aldermanum, Ballivos, et ceteros principales Burgenſes Burgi et Ville prædictæ vel majorem partem eorundem amobilem et amobiles eſſe volumus) quod tunc et toties bene liceat et liceat præſatis Majori, Aldermanis, Ballivis, et cæteris princip. Burgenſ. Burgi et Ville prædictæ pro tempore exiſtente, vel majori parti eorundem ſeipſos in Guilbalda Burgi et Ville prædictæ aſſemblare et congregare, et ibidem unum alium ſive plures alios de Burgenſ. ſive Inhabitantibus Burgi et Ville prædictæ in locum ſive loca ipſius vel ipſorum principalium Burgenſium ſic mori vel amoveri contingentiſ vel contingentium eligere nominare et præficere ad ſupplend. prædictum numerum viginti-quatuor princip. Burgenſ. Burgi et Ville prædictæ.

‘ By the Charter every Mayor, after he hath executed that Office, becomes an Alderman for his Life: The Clause for which Purpose is in the Words following:—*Et ulterius Volumus, ac per præſentes pro nobis, Heredibus et Succeſſoribus noſtris, concedimus præſatis Majori, Aldermanis, Ballivis, Burgenſibus Communitati Burgi et Ville prædictæ et Succeſſoribus ſuis, quod quælibet Perſona qui Officium Majoris Burgi et Ville prædictæ aliquo Tempore imposterum exercebit, ſi pro mala Gubernatione ſua non amoveatur, immediate poſt Executionem ejusdem nominabitur, ſit et erit Aldermanus Burgi et Ville prædictæ, continuandum in Officio illo Aldermani ejusdem Burgi et Ville durante Vita ſua naturali, ſi tam diu in eodem ſe bene gerent.*

*There is a Clause in the Charter, confirming all ancient Uſages, Cuſtoms, &c. Alſo a Clause giving Power to the Mayor, Aldermen, Bailiffs, and Capital Burgeſſes, or the major Part of them, to make Bye-Laws for the Government of the ſaid Borough.*

*Under this Charter the Corporation have ever ſince acted, and it was never objected, that an Alderman (if at the ſame time he was a Burgeſs or Inhabitant) was incapable of being elected Mayor of this Corporation: And in Fact it appears from the Record-Books belonging to the Corporation, and was proved at the Trial of this Cauſe at the Aſſizes at Dorcheſter the 12th Day of March, 1740, that to the Time of the ſaid Richard Tucker's Election there was but one Inſtance, to wit, in the Year 1720, wherein there was not either one or more Aldermen or Capital Burgeſſes upon the Nomination for Mayor. And that an Alderman has generally been elected Mayor ever ſince the Charter; and that moſt of the firſt Aldermen named in the Charter were afterwards elected Mayors, and frequently a Capital Burgeſs*



An. 16. Geo. II. Year for more than a Century, without any Notice of the Violation; till the Slaves of the late Minister had their Sagacity sharpened by a Participation of the Spoils of the People, and their Industry excited by the Approach of Danger, the Danger of losing their Patron, and sharing his Punishment.

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‘ The Improbability of such a Series of uninterrupted, unregarded Errors is so great, that I am convinced of the Rectitude of the Practice which has been now censured; and believe, that it has continued so long without Impeachment, only because it was known to be consistent with the Charter, and no officious Informer had yet been found, who would attempt

*Burgesses hath been elected Mayor; and that seldom an Inhabitant not being also an Alderman or a Capital Burgess was elected Mayor. The Fact hath also been, and was proved, that the Bailiffs of the said Borough have generally been elected from amongst the Aldermen and Capital Burgesses; And also, that the Aldermen have been generally elected from amongst the Capital Burgesses; altho’ the Words of the Charter as to the Election of Bailiffs, and also Aldermen, are, that they are to be elected out of the Burgesses or Inhabitants.*

*There is no known Distinction in this Town between a Burgess and an Inhabitant.*

*Upon the Feast of St Matthew, the Apostle, 1740, the Mayor of the Borough, and the Aldermen, Bailiffs, and Capital Burgesses or Inhabitants assembled for the Election of a Mayor, and for that Purpose the Mayor and Aldermen nominated four, John Tucker, Esq; the said Richard Tucker, John Friend, and John Carlwell, all Burgesses and Inhabitants of the said Borough: And thereupon such Nomination being declared, the Mayor, Aldermen, Bailiffs, Capital Burgesses, and other Burgesses, and Inhabitants, by a Plurality of Voices, elected the said Richard Tucker Mayor, who was afterwards sworn and took upon himself the Office.*

*In Hilary Term following such Election (to wit) 1740, an Information in the Nature of a Quo Warranto was granted against the said Richard Tucker, charging him with an Usurpation of the said Office of Mayor; which Information appears to be prosecuted by Mr. Leonard Martin of St Clement’s Danes, in the County of Middlesex, an Attorney at Law, who is the Relator in such Information.*

*The said Richard Tucker appeared and pleaded to this Information in the same Term.*

*He pleaded the Charter and several of the Clauses therein; and alleged according to the foregoing Relation, that upon the Feast of St Matthew, the Apostle, 1740, one Richard Jordan being then Mayor, the said Mayor and Aldermen assembled in order to choose four of the Burgesses, &c. and then traverses the Usurpation and prays Judgment.*

*Upon this Plea the Prosecutor by his Replication (after having admitted the Charter) denies the several Facts pleaded by Richard Tucker.*

*He denies.*

1. *That the Mayor and Aldermen did assemble for the Purpose alleged.*
2. *That the major Part of the Mayor and Aldermen did choose and nominate the said John Tucker, the said Richard Tucker, the said John Friend, and John Carlwell, for the Purpose alleged.*
3. *That the said four Persons were declared to be Mayor, Aldermen, Bailiffs*

attempt to disturb a Corporation in the Exercise of their An. 16. Geo. II. legal Rights.

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‘ I need not, therefore, inform your Lordships, that I think the Judgment of the Court of King’s-Bench erroneous, and the Precedent which it may afford remarkably dangerous ; and, therefore, I think myself engaged in the Defence of Truth, the Opposition of Tyranny, and the Support of the Constitution, when I move that this Judgment should be reversed.

The Lord Chancellor then rose, and spoke to the following Effect :

*My Lords,*

‘ I have no Intention of opposing the noble Lord whose Opinion has been delivered, and whom I have heard with the Lord Hardwick.

*Bailiffs, Principal Burgesses, and other Burgesses and Inhabitants, for the Purpose alledged.*

4. *That the said Richard Tucker was elected and preferred to be Mayor.*

5. *That the said Richard Tucker did take the Oath of Office, and other Oaths requisite.*

6. *That the said Richard Jordan was Mayor of the said Borough.*

7. *That the said Richard Tucker was admitted into the said Office of Mayor as alledged in his Plea ; upon all these seven Facts Issue was joined.*

The Prosecutor also in his Replication, alledges a Custom, that if on the Charter Day for the Election of a Mayor, there happened to be less than eight Aldermen alive, it hath always been usual for the Mayor, &c. to go to the Election of an Alderman, or Aldermen, to make up the Number eight, before the Election of a Mayor.

And further sets forth (by way of Objection to the said Richard Tucker’s Election) that tho’ he admits the said John Tucker, Richard Tucker, John Friend, and John Carlwell were all Inhabitants of the said Borough, yet they were all of them at the same Time also Aldermen of the said Borough.

The Defendant by his Rejoinder to this Replication, after protesting that there was no such Custom of filling up the Vacancies of Aldermen, &c. says as to the Fact, that there were eight Aldermen then in Being in the said Borough, upon the said Feast Day of St. Matthew the Apostle (the Day of the said Richard Tucker’s Election) upon which Fact the eighth Issue is joined.

And the said Richard Tucker further pleads in his Rejoinder, further admitting that himself, the said John Tucker, John Friend, and John Carlwell, were Aldermen when nominated for the Office of Mayor, that King James the first, by his Charter, granted that the Mayor, Aldermen, Bailiffs, and principal Burgesses, or the major Part of them (of whom the Mayor to be one) upon a publick Summons to be made by the Mayor, should have Power to make such reasonable Laws, &c. as should seem necessary for the Government of the Town, &c. And further saith, that soon after the granting the said Letters Patent, to wit, on the first Day of September, in the fourteenth Year of the said King, the Mayor, Aldermen, Bailiffs, and principal Burgesses assembled according to the Power granted to them ; and did make a certain Law in Writing, call’d a Fye-Law, (tho’ not now

extant

the Regard which his Abilities demand, and which his Zeal naturally enforces; nor shall I now deliver my Opinion on the Question before us, having no other Intention than to remind your Lordships of the established Order of this House.

‘ When a Writ of Error is to be examined here, it is the constant Practice to consult the Judges before any Motion is made; a Practice not only established by Custom, but supported by Reason; for the Discussion of a Question ought to precede its Decision; and, in order to the Discussion of it, every Lord ought to endeavour to understand it in its whole Extent, which cannot always be expected from those whose

*extant in Writing*) that from thenceforth the Mayor and Aldermen being assembled for the Nomination of a Mayor, should be at Liberty whenever it should seem meet to name four of the Burgeses or Inhabitants, who should be then all Aldermen, or whereof one or more of them should be Aldermen, in order that out of the said four, one might be elected Mayor for the Year then ensuing, which Law has ever since been observed.

The Prosecutor admits the Power to make Bye-Laws, as in the now Plaintiff's Rejoinder is set forth: But as to the said Plea of Plaintiff so above pleaded by Way of Rejoinder in this, that the Mayor, Aldermen, Bailiffs, and principal Burgeses did make such Bye-Law as therein mention'd, the said Prosecutor demurs.

And the said Richard Tucker joined in such Demurrer.

The several Issues above set forth, were tried at Dorchester Assizes the 12th of March 1740, by a special Jury of Gentlemen, and the Jury gave their Verdict for the Appellant, Mr Tucker, in every one of the said Issues.

But upon arguing the said Demurrer in the Court of King's Bench in Easter Term following, the said Court gave Judgment of Ouster against Mr Tucker, and that the Relator should recover Costs against him, by the Statute of the 9th of Queen Anne. Whereupon the said Richard Tucker has brought his Writ of Error, and assign'd the general Errors, and humbly hopes that the said Judgment shall be reversed for the following and other Reasons.

1. An Alderman is as much a Burgess or Inhabitant as any other Burgess or Inhabitant. His being chosen into the Office of Alderman, does not make him cease to be a Burgess or Inhabitant. If he is a Burgess or Inhabitant, he is qualified by the Words of the Charter to be elected Mayor. And if the Words and Letter of the Charter allow this Construction, the Sense and Spirit of the Charter plainly require it; for there is nothing more evident, than that the Charter, (as it were a Key to itself) considers Aldermen or Capital Burgeses, as not ceasing to be Burgeses or Inhabitants, but as continuing capable of any Office which any Inhabitant may enjoy. Henry Mitchell, and Roger Fry are appointed the two first Bailiffs under the Charter, notwithstanding, the said Henry Mitchell, and Roger Fry, are also amongst the four and twenty first named Capital Burgeses in the Charter. And the before cited Clause relating to the Election of Bailiffs, is in the same Words as that relating to the Mayor, to wit, that the Bailiffs are to be chosen out of the Burgeses or Inhabitants, which as strongly excludes a Capital Burgess from the Office of Bailiff, as the other Clause relating to the Election of a Mayor does an Alderman or Capital Burgess from the Office of Mayor.

11. It is scarce possible to conceive that the Crown, after having by the Charter selected out and named 38 of the principal Burgeses or Inhabitants of

whose Education has not made them acquainted with the Niceties of Law. For this Reason the Judges are required to attend the House, to whom every Lord may propose such Questions as appear to him necessary to a perfect Intelligence of the Affair before him; and in Cases of this Kind, the Opinion of the Judges has been generally the Foundation or Rule of the Determinations of the House.

To move for the Decision of the Question, before the Sentiments of the Judges are heard, is wholly contrary to the Order established by the Wisdom of the Ancestors of your Lordships; to whom it would have appeared a Decision before Examination, or at least an Attempt to precipitate a  
Sec. 11-

of the Town, to wit, one for Mayor, two for Bailiffs, eleven for Aldermen, twenty-four for capital Burgeſſes, ſhould intend thereby for ever after to make theſe principal Inhabitants incapable of bearing the Office of Mayor, or Juſtice of the Peace. The unavoidable Conſequences of which would be (in ſo ſmall a Town as Weymouth) that after 38 are made incapable, the Office of the greateſt Truſt and Power muſt devolve upon the means of the Inhabitants: For if by the Charter an Alderman is incapable of being choſen a Mayor, a capital Burgeſſ is alſo incapable of being elected Mayor, or Alderman; and alſo, that neither an Alderman or capital Burgeſſ is capable of being elected a Bailiff.

III. The Charter appoints but eleven Aldermen, as the Number of Aldermen thought ſufficient for the Government of this Town, and directs that every Mayor (after he has executed that Office) ſhall be an Alderman for Life: If therefore the Charter is to be conſtrued neceſſarily to enforce the annual Election of Mayors to be out of the Inhabitants, not Aldermen, there might have been within 50 Years after the Charter, and might very probably now have been 50 Aldermen within this little Town: Alſo the Charter gives no Power to elect an Alderman, unleſs the Number of Aldermen comes to be under eight; but if new Aldermen muſt of Neceſſity be annually introduced into the Corporation, by choſing an Inhabitant not before an Alderman, Mayor; it cannot be preſumed, that this Power of electing an Alderman ſhould ever take Place.

IV. The Election of Mr Tucker is conformable to the conſtant and uninterrupted Uſage ever ſince the Charter, now upwards of 125 Years; this Uſage was fully proved before the Judge and Jury who tried the Caſe, and all the eight Iſſues were found for Mr Tucker, that he was duly elected, nominated, and ſworn, &c. into his Office of Mayor.

V. This Uſage is alſo confeſſed by the Demurrer, which admits and confeſſes the Bye-Law (not extant in Writing;) and it would be of dangerous Conſequence to Corporations in general, as well as to this Corporation in particular, if their Charters are to be explained by nice and critical Conſtructions upon Words contrary to the Senſe in which ſuch Words have been underſtood for Centuries, and the Interpretation of them by conſtant Uſage, from the Granting of the Charters.

VI. There is ſcarce a Corporation in England but might be overturned by ſuch Conſtruction, and the Uſe made of it in the preſent Caſe is to prove, that this Corporation was diſſolved from the firſt Year after the Charter, now 125 Years ago: And a Motion to that End, and to draw the Right of this Corporation to hold a Corporate Aſſembly into Queſtion, was grounded immediately upon this Determination: For the ſame Proſecutor, Sir Leonard Martin,

An. 16. Geo. II. Sentence, without due Regard to the Forms of the House, to those Forms which cannot be neglected, without obstructing the End for which they were introduced.

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‘ That this Affair, therefore, may be more diligently examined, and better understood, I will, with your Lordships Leave, propose the Chief Questions to the Judges, that the Arguments upon which the Sentence of the Court was founded may be heard ; and I hope that every other Lord will propose such Questions as may contribute to his own Satisfaction.

Two Questions were then put to the Judges.

I. ‘ Whether an Alderman of the Borough of *Weymouth* is a Burgess of the said Borough, and is capable of being put

Martin, in Trinity Term last, upon Affidavits that pointed out no other Objection to the Rights either of the Mayor or Aldermen (save and except that the Mayor was an Alderman when chosen Mayor, and that the Aldermen had been elected Aldermen in the Mayoralties of and under Mayors elected from amongst the Aldermen) moved the Court of King’s Bench for Leave to file an Information, in Nature of a Quo Warranto, against the Mayor and major Part of the Corporation, to shew by what Authority they held a corporate Assembly upon the 21st of September (the Charter Day) then last past, for the Nomination of a Mayor ? and by what Authority they made such Nomination ? and also by what Authority they and the rest of the Inhabitants assembled had elected a Mayor ? Upon this Motion the Court of King’s Bench granted a Rule for the Corporation to shew Cause why such an Information, as prayed, should not be granted ; but upon shewing Cause against this Rule, the Rule was enlarged, and now stands over, by reason that the writ of Error was depending.

N. Gundry.  
W. Murray.

### *The Case of the Respondent.*

**I**N Hilary Term, in the Fourteenth Year of his present Majesty, an Information, in Nature of a Quo Warranto, was granted by the Court of King’s Bench, and filed against Richard Tucker, of the Borough and Town of Weymouth and Melcombe-Regis in the County of Dorset, Esq; to shew by what Authority he claimed to be Mayor of the said Borough and Town.

To which Information, the said Richard Tucker pleaded the Letters Patent of King James I. and alleged that he was chosen according to the Intent of them.

To this Plea the Prosecutor replied, and admitted the Letters Patent of King James, mention’d in the Plea of the said Richard Tucker ; and set forth, That King James, by his Letters Patent willed, That the Mayor, Aldermen, Bailiffs, and principal Burgesses of the said Borough, or the major Part of them, should on St Matthew’s Day, yearly, elect Two of the Burgesses or Inhabitants of the said Borough and Town to be Bailiffs, who should take Oaths of Office, and should exercise those Offices for one whole Year ; And that if the Mayor should die, or be remov’d from his Office within the Year, the Aldermen, Bailiffs, principal Burgesses, and other Burgesses and Inhabitants for the Time being, or the major Part of them, should elect another of the Burgesses or Inhabitants to be Mayor, who should exercise the Office for the Residue of the Year. That if any of the Aldermen should

\* put in Nomination, in order to be Mayor of the said Bo- An. 16. Geo. 1<sup>st</sup>  
 \* rough, by Virtue of the Charter of the 14th Year of the 1742.  
 \* Reign of King James I.

The Judges present, viz. Mr Justice *Denison*, Mr Justice *Burnet*, Sir *Thomas Abney*, Mr Baron *Reynolds*, Mr Baron *Carter*, and Sir *John Willes* Lord Chief Justice of the *Common Pleas*, being directed to deliver their Opinion with their Reasons, *Seriatim*, upon this Question, they were all heard accordingly, beginning with the *Junior*, and declared their Opinion to be, 'That an Alderman was a Burgess, but not 'to be considered as capable of being put in Nomination to 'be Mayor.'

## II.

*Should die, or be removed, or depart from that Office, and at the Time of Death, Amotion or Departure of such Alderman, there should not be eight Aldermen surviving, that the Mayor and surviving Aldermen, as also the Bailiffs and principal Burgesses for the Time being, or the major Part of them, should elect so many as should be wanting of that Number out of the Burgesses or Inhabitants, to be an Alderman or Aldermen of the said Borough and Town.*

*And the said King further willed, that every Person who at any Time thereafter, should exercise the said Office of Mayor, if not amoved for Misbehaviour, shall immediately after the Expiration of the same, become an Alderman, to continue in the same for Life, if he should so long behave himself well in the same.*

*That if the Bailiffs or either of them should die, or be removed from that Office, within the Year, the Mayor, Aldermen, Bailiffs and principal Burgesses, and other Burgesses and Inhabitants of the said Borough and Town should elect one other or two others, out of the Burgesses or Inhabitants, to be Bailiff or Bailiffs.*

*That if any, or either of the twenty-four capital or principal Burgesses should die, be removed, or depart from that Office, that the Mayor, Aldermen, Bailiffs, and the rest of the principal Burgesses, should elect another or others, out of the Burgesses or Inhabitants of the said Borough and Town.*

*And the Prosecutor further sets forth, that the Usage hath been, that upon the Day appointed for the Election of Mayor, in case the Number of Aldermen then in being, hath been at that Time, less than eight, the then Mayor, and surviving Aldermen, as also the then Bailiffs, and capital and principal Burgesses, or the major Part of them, have always proceeded to elect so many as were wanting of that Number, out of the Burgesses or Inhabitants of the said Borough and Town, to be an Alderman or Aldermen, before the said then Mayor, Aldermen, Bailiffs, principal Burgesses, and other Burgesses and Inhabitants, have proceeded to the Election of a Mayor.*

*That on St Matthew's Day last, the Number of Aldermen then surviving and remaining, exclusive of the said Richard Jordan, who pretended to act as Mayor, was less than eight, (that is: John Carlwell, John Friend, John Tucker, Richard Tucker, and Edward Tizard; and that the said Richard Jordan, and the said Aldermen, upon Saint Matthew's Day aforesaid, did not proceed to elect so many as were then wanting of the Number of eight Aldermen.*

*He, in his Replication, admitted, that the Defendant Richard Tucker, and also the said John Tucker, John Friend, and John Carlwell, were*

An. 16. Geo. II.  
1742.

II. ' Whether the Rejoinder is a Departure from the Plea in Bar, and what is the Consequence thereof in Point of Law upon this Record.' On this Question the Judges having conferred together, the Lord Chief Justice of the Common Pleas acquainted the House, " That this is no Departure in Pleading, and can't be at all material in the present Case."

Lord Talbot.

Hereupon Lord Talbot spoke again.

My Lords,

' I had not the least Intention of precipitating the Judgment of your Lordships, or hindering any Lord from proposing

all of them Inhabitants of the Borough and Town aforesaid; yet be alledged they were also Aldermen of the said Borough and Town.

And then the Prosecutor travers'd the following Matters, set out in the said Plea of the said Richard Tucker, and join'd Issue upon eight Facts mentioned in the Appellant's Plea.

The said Richard Tucker, by his said Rejoinder, admitted, that the said Richard Tucker, John Tucker, John Friend, and John Carlswell were Aldermen, as alledged in the said Petition; and likewise that the said King, and by his Letters Patent, gave grant to the Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty of the said Borough and Town, in Manner as set out in the said Replication; but the said Richard Tucker alledged, that the said King did by his said Letters Patent, give grant, and Grant, to the Mayor, Aldermen, Bailiffs, and principal or capital Burgesses of the Borough and Town aforesaid, the Power of making By-Laws, and that by a By-Law so made, it was appointed that an Alderman might be elected Mayor.

To this By-Law the Prosecutor demurred.

And the said Richard Tucker joined in Demurrer.

The several Issues above joind, were tri'd at the Assizes holden at Dorchester, on the 12th Day of March, 1740, when a Verdict was given for the said Richard Tucker, upon the said several Issues.

The Demurrer was argued in Easter-Term, 1741, when the Court were unanimously of Opinion, that the By-Law set up by the said Richard Tucker, was not a good By-Law, and that he being an Alderman of the said Borough and Town, at the Time of his Election to be Mayor, was by the Charter incapable of being chosen Mayor; and thereupon Judgment of Ouster was given against him.

Whereupon the said Richard Tucker hath brought a Writ of Error to reverse the said Judgment, and hath assigned the general Errors; but it is humbly hoped that the said Judgment shall be affirmed for the following Reasons.

1. It appears clearly, that by the Charter of Incorporation, the Burgesses or Inhabitants are in all Elections distinguished from every other Branch of the Body; and are as much a separate Part thereof as the Mayor, the Aldermen, the Bailiffs, or the principal Burgesses.

2. That by the Charter of Incorporation, the Four to be nominated (and out of whom the Mayor was to be chosen) were to be so nominated (but out of the Aldermen, or Bailiffs, or principal Burgesses) but out of the Burgesses or Inhabitants.

3. That

king such Questions to the Judges as might contribute to his Information, or give Satisfaction either to his Scruples or Curiosity ; I was very far from designing any Innovations in the Orders of the House, and made the Motion without imagining, and certainly without knowing, that any Questions would be proposed ; since the Fulness of my Conviction did not suffer me to suspect that any Doubts could be formed, or any Difficulties raised.

An. Geo. 16. II.  
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‘ With regard to the Questions which have been proposed with so much Gravity, and answered with so much Solemnity of Diction, and Pomp of Argument, I am not ashamed to confess, that I did not expect them ; and that I do not now discover for what End they were proposed. I have been able to draw no Information from the several Answers that have been given, nor am otherwise instructed by them, than that I have had one more Opportunity of remarking how easily Truth may be obscured, and how much the greatest Abilities may be misapplied.

‘ The Question before us, my Lords, is a Question not of Law but of Right ; and is, therefore, to be decided not by Criticisms and by Precedents, which may be sometimes un-

certain,

3. *That the said Richard Tucker in his Pleadings, at first insisted, that by the Charter, the Four out of whom the Mayor is to be chosen, can be nominated out of any Part of the Body, so as they are Burgeses or Inhabitants ; yet afterwards by his Rejoinder, relies for his Defence on a Bye-Law, supposed to be made by the Mayor, Aldermen, Bailiffs, and principal or capital Burgeses, whereby the Aldermen or Bailiffs are capacitated to be put in Nomination for Mayor.*

*It is humbly insisted that such Bye-Law (if such there were) is void in Law ; for tho’ they may by mutual Consent, and to avoid popular Elections, and the Contentions arising from them, abridge any particular Election to a smaller Number than the Charter gave the Power to ; yet it is humbly submitted, that they cannot transfer such Franchise from that Part of the Body, in whom it was by the Crown invested, to another Part, who by their Charter had nothing to do with it.*

*‘Tis farther humbly insisted that this Judgment is a good one, and ought not to be reversed, because the said Richard Tucker, by his Plea at first pleaded, puts the Right of his Nomination and Election on Four Inhabitants generally, being named on the Charter Day, of which he was one, and on his being properly chosen out of these four inhabitants, by Virtue of a Grant in the Charter ; whereas he afterwards is forced to have Recourse to another Defence, viz. That the Bye-Law above mentioned impowers the Body to name four Aldermen, or so many of the Four as they should please out of the Aldermen, by which he deserts his first Defence, viz. That Four inhabitants generally might by the Charter be nominated, and is forced at last to cover himself under the Bye-Law, which is (as is humbly submitted) a Departure from his first Plea, and that by Law he was not intitled to plead, and that therefore the Judgment was well given by the Court of King’s-Bench.*

J. Strange.  
Rich. Lloyd.



Ans. 16. Geo. II. certain, and sometimes contradictory, but by the sacred and invariable Rules of Moral Justice : Rules, which I hope we are not now to learn, and which have no Dependence on the Authority of the Judges.

1742.

‘ It has been indeed insinuated by the noble Lord, that our Decision ought to be founded on their Opinion ; but surely amidst his Solitude for Order, and his Dread of Innovations, his Lordship ought to have forborn such an Assertion ; an Assertion not only never heard in this House before, but inconsistent with our Privileges ; an Assertion by which we are at once deprived of our Judicial Right, and reduced from the highest Court of the Kingdom to be only the Echoes of the Judges. To what Purpose would it be, that our Fellow-Subjects have a Right of appealing to us whenever they are injured by an erroneous Sentence, if we are only to repeat the Opinions of those who have already determined the Cause ? Or, why do we sit here to deliberate, if the Sentence is not to be ours, but that of the Judges ? For surely the Sentence cannot be called that of your Lordships, which others dictate, and you only pronounce.

‘ I am so far, my Lords, from thinking it my Duty to resign my Understanding to any twelve Men, however venerable or learned, that I should not have thought it necessary to ask their Opinions ; for, in giving my Judgment, I shall consult only my Reason and my Conscience ; and I shall never, I hope, endeavour either to blind the one, or lay the other asleep ; I doubt not, therefore, of being directed right, nor shall I need to take for Guides those on whom Nature has conferred no other Powers than on myself.

‘ In examining this Question by the steady Light of common Sense (a Light which very seldom deceives, but when the Clouds of Sophistry are thrown over it) I find, that the Sense, which the Judges have unanimously preferred, cannot be the true Sense of the Charter, because he that granted it, understood it in another ; and because the State of the Place, and the small Number of Inhabitants, absolutely require, that another Sense should be admitted ; for it cannot be imagined, that any Monarch should intend to have a whole Town of Aldermen, a Town in which every Man should be invested with Authority, which he could never exercise but upon his Brother Governors.

‘ Nor can it be conceived, that these Men thus dignified should be always subjected to the superior Authority of another, upon whom no Trust or Office had been conferred before, and of whose Justice or Moderation no Proof had been given ; or that it should be the Intention of a Charter, that the

the first Office exercised by every Member of it, should be the highest ; that he should be qualified, in Opposition to all the Rules of Policy hitherto received, by greater Employment for meaner Offices ; or that he who had laudably discharged his Trust, should be for ever incapable of being trusted again.

An. 16. Geo. II.

1742.

‘ There is no End, my Lords, of enumerating the Absurdities which arise from this Construction of the Charter ; which ought, if it be understood in this Sense, to be void in itself, as being inconsistent with the common Reason of Mankind, and the general Principles of Government ; and therefore such as would be injurious to the Public, and reproachful to those by whom it should be received ; a Charter by which Society would be inverted ; by which the Many would be employed to govern the Few ; a Charter by which Virtue would be discouraged, since he that executes his Office with Applause, is equally incapacitated for Re-admission to it with him that plunders or oppresses ; a Charter which confers the highest Authority on him who has the least Experience, and condemns every Man to move from a higher to a lower Sphere.

‘ If any Lord should imagine it his Duty to concur in an Opinion like this, I shall not envy his Easiness and Tractability ; for my Part, I have no Reverence for Absurdity nor can prevail upon the Ruggedness of my Nature to give up Reason to Compliance.

‘ But, my Lords, not only the Reputation of your Wisdom, but of your Justice likewise is interested in this Case. If we consider how necessary it is, that those who are to be govern’d, should obey with Willingness, and how slowly those are obeyed who cannot be esteemed, it will be thought by no Means a slight Consideration, that this Sense cannot be adopted by us, without Danger of Contempt and Ridicule ; yet this Argument, as it may seem, in some Degree, founded upon a Regard to our own Interest, some Lords may think themselves at Liberty to slight, who will, I hope, shew more Respect to the Obligations of Justice.

‘ Let us therefore enquire, my Lords, how we shall discharge the Duty of Judges by confirming the Sentence which is now before us ; let us examine, whether we shall act as the Guardians of Right, and the last Resort of oppressed Privilege ; or whether we shall not appear Instruments of Ministerial Tyranny, and the mean Reporters of the Sentence of an inferior Court.

‘ By confirming this Sentence we shall not only deprive a Magistrate of his Office, which he holds by a Claim which has  
been

An. 16. Geo. II.  
1742.

been thought just for more than a Century, and in the Exercise of which it appears reasonable to believe, that he is disturbed not for Misbehaviour, but discharging his Trust ; but we shall entail upon the Town and Corporation perpetual Confusion and Disturbance, Evils which Government was instituted to prevent ; we shall subject them for ever to the Authority of Men untried and unexperienced ; and by Consequence to all the Mischiefs of an ignorant, if not of a corrupt Administration.

‘ This, my Lords, is sufficient to determine my Judgment ; and I hope it will be of equal Weight in that of others. I shall not willingly interpret a Charter, which is always an Act of Royal Favour, to the Disadvantage of those to whom it was granted ; for I never heard of a Charter of Corruption, or Ignorance, or Misery ; and since it is more happy to live without Government, than to be governed ill, I cannot believe, that a Charter like this, as it is now interpreted, was ever given. I therefore conclude the Judgment erroneous, and once more move that it may be reversed.

Then the Earl of *Cholmondeley* rose up, and spoke as follows :  
*My Lords,*

Earl of Cholmondeley.

‘ Though it should be admitted that in giving Judgment upon Questions like this, we are not obliged implicitly to resign our own Opinions to that of the Judges, but may after having heard their Sentiments recede from them ; yet not only the Customs of this House, but the plain Dictates of Common Sense, apparently direct us to pay great Regard in our Determinations to Men, whose Attendance the Wisdom of our Ancestors required in this House only for our Direction ; and who may reasonably be supposed better qualified than ourselves to determine Questions to the Study of which they have devoted their Lives, who preside in our Courts of Justice, to decide Property and pass Sentence upon Life.

‘ To what Purpose do they sit here ? To what Purpose has their Presence been required from Century to Century ? If they are not to be heard, or when heard, not to be regarded ? Or, why does any Man spend his Time in Study, if the most extensive Knowledge will entitle him to no Authority ? I have hitherto been told, that it is rational to trust an Artist in his own Art ; nor have I yet found my Faculties such as may enable me to judge better upon a new Subject than those who by long Converse have made it familiar.

‘ On this Occasion at least I can discover no Reason for treating the Opinion of the Judges with Contempt or Negligence ; because it appears to me indisputably right,  
being

being founded upon the plain Construction of the Words of An. 16. Geo. II. the Charter.

1742.

‘ By this Charter, my Lords, a Corporation is constituted consisting of a Mayor, Bailiffs, Aldermen, capital Burgesses, and Burgesses: Of all these Persons the Power and Privileges are distinguished, the Offices assigned, the Duration of the Offices limited, and the Choice of the Officers regulated; in all these Parts of the Charter, the Burgesses are evidently considered as distinct from the Capital Burgesses or Aldermen; and it is directed that the Mayor shall be chosen from the Burgesses, and after the Expiration of his Office shall become an Alderman for Life.

‘ This, my Lords, is a sufficient Proof that he is supposed not to be an Alderman before his Election to the Mayoralty; and this Provision, added to the Consideration of the Distinction made through the whole Charter of the Burgesses from the rest of the Corporation, is sufficient to shew, that none but a Burgess can hold the Office of Mayor by this Charter.

‘ With regard to the Inconveniences that may arise to the Town from this Institution, or any Absurdities that may be imagined to be comprised in it, they do not regard us but the Authors of the Charter, who must be blamed for any Defects or Weaknesses that may appear in it; but surely no Part of the Censure can fall upon those who only explain it, and deliver nothing but what they find in it in the most expressive Words. The Charter may undoubtedly be absurd, and therefore the Explanation which implies that Absurdity be right.

‘ That this Charter is in reality absurd, I am not about to assert, because it is not our Province to amend but to explain it; but surely to shew that any Explanation is false, because it implies an Absurdity, is to suppose the Authors of the Charter exempt from the common Frailties of Human Nature.

‘ Besides, my Lords, it is possible that the State of the Place may, since the Grant of the Charter, be much altered; and that the Inconveniences, which are now justly objected, might not have been feared when the Inhabitants were more numerous.

‘ I am therefore, my Lords, of Opinion, that the Sentence of the King’s Bench is founded upon the Words of the Charter understood in their natural Sense; and shall therefore vote for confirming it, unless stronger Arguments shall be offered against it.’

An. 18. Geo. II. The Duke of Bedford.

1742.

*My Lords,*

‘ Though the noble Lord has with great Art defended the Sentence which is now under our Examination, has with great Address obviated some of the Objections which have been made, and recommended to our Regard the Opinion of the Judges with unusual Eloquence ; yet the Effect of his Rhetorick has only been, that I have listned to him with that Pleasure which a candid Man naturally receives from the Contemplation of great Abilities, but without that Satisfaction which an upright Mind always feels from the Discovery of Truth.

‘ The Opinion of the Judges ought undoubtedly to be treated with great Regard, whenever Questions are examined which it is the peculiar Province of the Judges to explain ; nor have I heard that any Lord has endeavoured to degrade them from their Authority, or raise himself to a Competition with them in the Knowledge of the Law ; that Knowledge which makes their Presence necessary in this Place, and in which alone it is reasonable to suppose that they can give any Information to your Lordships.

‘ That their Opinion therefore is of great Importance in the present Question, my Reverence of their Knowledge or Abilities, however great, will not suffer me to allow ; for I cannot think this so much a Question of Law as of Equity, and though I cannot pretend always to determine what is legal, I hope, I may at least be able to discover what is just : because without this Faculty I should not only be in Danger of erring as a Member of this House, but as a Member of Society ; and should not only be incapable of the Duties of a Peer, but a Man.

‘ In such Questions, therefore, I shall pay little Regard to the Opinion of any other Man, but shall consult my own Understanding ; since I think it not the peculiar Privilege of any Profession to distinguish right, but the Faculty of every Man who shall honestly search after it ; and as the Construction of the Charter which the Judges have advanced is contrary to my Understanding, I shall never receive it, till I can find Means of reconciling them.

‘ The Absurdities of this Construction have already been explained by the noble Lord, and are indeed such as cannot be aggravated, extenuated, or avoided ; but by admitting that Sense of the Charter which has been for more than a Century received, it is evident from Experience, the only sure Test in such Cases, that no Inconveniences will follow.

‘ But

‘ But it is objected, that this Construction, how long so-  
 ever it has been admitted, is contrary to the Terms of the  
 Charter ; and therefore that its long Reception is only an  
 Argument that it should be suffered no longer. I have con-  
 sidered, my Lords, the Words of the Charter with great  
 Attention, and can discover nothing in them directly oppo-  
 site to either Sense ; for though the Burgesses are neither  
 Capital Burgesses nor Aldermen, yet an Alderman or a Cap-  
 ital Burgess may be a Burgess ; as a Peer is a Gentleman,  
 though a Gentleman is not necessarily a Peer, as the greater  
 includes the less but not the less the greater.

An. 16. Geo. II.  
 1742.

‘ That it is directly specified that the Mayor, after the  
 Conclusion of his Office, shall be an Alderman for Life, does  
 by no means infer that he must not be an Alderman before ;  
 nor is the Provision made for any other Reason, than that if  
 the Merit of any Man shall raise him without the usual Gra-  
 dations to the highest Trust of the Corporation, he shall not  
 sink down to his former Meanness, but shall retain some  
 Degree of Dignity to the End of his Life ; there are Offices  
 which he that executes becomes an Esquire, but from which  
 an Esquire is not therefore excluded ; a Seat at the Board of  
 Council bestows a Title equal to that of your Lordships, but  
 surely, my Lords, that Provision does not exclude you from  
 being Counsellors.

‘ A Charter, my Lords, is like a Will, to be construed  
 not according to the Letter, but according to Equity and  
 Reason ; nor is any Thing more to be regarded than the  
 Intention of the Testator. This indeed is not always easily  
 to be known, because a Will cannot be in Force, till he that  
 made it is incapable of explaining his own Meaning : But  
 the State of a Charter is different, a Charter is a Will exe-  
 cuted by him that made it, and to which the Meaning there-  
 fore cannot be mistaken.

‘ That the King who granted the Charter differed from  
 those whom we have consulted in his Conceptions of its  
 Meaning, is evident ; because tho’ he directed the Bailiffs as  
 well as Mayor to be chosen from among the Burgesses, he  
 yet nominates two of the Aldermen the two first Bailiffs ;  
 nor appears, tho’ he was not ill qualified to judge of the  
 Meaning of Pieces more intricate than the Charter, to ima-  
 gine that an Alderman ceased to be a Burgess, or lost his  
 Rights to a higher Station.

‘ In considering the Charter, my Lords, it appears to me  
 to be our Duty to confirm those Rights which it was the  
 King’s Intention to bestow upon this Corporation ; and since  
 his Intention is known from his own Practice, and his Prac-  
 tice is the same with that which has ever since been followed,

An. 16. Geo. II.  
1742.

we may conclude that no Alteration is to be made, and that the Charter has been exactly observ'd, since the Intentions of its Author have certainly been followed.

' But, my Lords, not only the Arguments, which the Person of the Charter may suggest, will influence me to vote against the Judges of the King's Bench, but the Consideration of the Methods of Prosecution which have been practis'd on this Occasion, and the Consequences which may be derived from this Contest to all the Corporations of *Great Britain*.

' This Complaint of the Violation of the Charter did not arise from any Sense of Inconveniences which it produced, or of Injuries which the Inhabitants of that Place imagined themselves to receive from Usurpation or Tyranny; it was not promoted by any Man who thought himself unjustly debarred from Authority, or by any Body of Men excluded from their Share in the Government of the Town. The Prosecution, my Lords, was the Effect of ministerial Resentment; it was threaten'd to influence the Election, and was executed not to humble the Haughtiness of Guilt, but to crush the Firmness of Integrity; to punish those who could not be terrify'd, and to obtain those the Satisfaction of Revenge who had lost the Pleasures of Success. For this Purpose an Attorney, that was a Stranger to the Borough, was employ'd to harass the Mayor with a Prosecution, defeated at the Assizes where Men of plain Sense were to determine the Cause, but successful in the Court of King's Bench, where Craft and Subtilty were admitted.

' If such Proceedings, my Lords, should receive a Sanction from this great Assembly, how long can any Corporation hope to enjoy its Privileges, after having dared to reject the Overtures of the Agents of a Minister? Of what Value will be the Immunities, which our Kings have bestowed upon many Cities of this Kingdom as Rewards of their Loyalty, as Encouragements to Trade, as Marks of Honour and Distinction, or for the more easy Administration of Government? If Prosecutions like this be allowed, it will be at any Time in the Power of a subtle Villain to deprive them of their Rights, to disturb the Exercise of lawful Authority, to confound all Subordination, to fill the Courts of Justice with expensive Suits, and the whole Kingdom with Perplexity and Terror.

' Such, my Lords, will be the Injustice of confirming this Sentence, and such the Miseries which that Act of Injustice will bring upon us; and therefore I shall continue to oppose it, as I hope always to appear an Advocate for Right, and to promote the Happiness of my Country.

The

The Earl of *Bath* then rose up and spoke as follows :

An. 16. Geo. II.  
1742.

*My Lords,*

‘ After having heard the Arguments on both Sides, and endeavoured to discover some Motives which might determine my Vote one Way or the other, I do not find the Proofs on either Side sufficient to over-balance those on the other. Since therefore I am unable to determine my own Opinion by my own Reason, I shall be content to submit to the Decision of those whose Studies have particularly enabled them to judge of Questions like this ; who have had Opportunities of perusing a great Number of Charters, and fixing their Sense by frequent Comparisons ; and who therefore can tell with more Certainty what is intended by them, than others who have not had the same Experience.

Earl of Bath.

‘ Yet I cannot but confess, that the Danger of disturbing antient Settlements, and calling into Question those Rights which have been establish’d by uninterrupted Prescription and the Practice of many Years, has been very justly urg’d by the noble Lords who have declared against the Judgment of the Court ; nor can it be denied that by confirming the Sentence we shall give Rise to a very dangerous Precedent, a Precedent which Malice, or Turbulence, or Ambition, may employ, to disturb a great Part of the Nation.

‘ As I foresee the Fate of this Question, I hope, my Lords, that a Bill will be proposed by which the Charters of other Corporations may be secured from the same Attacks ; and that the Success of this Prosecution may not give Encouragement to others.

The Question being put, the Sentence of the Court of King’s Bench was confirmed, by a Majority of 21 against 14.

And in Pursuance of the Earl of *Bath*’s Proposal, the foregoing Bill was brought into the House.

*March 11.* The Lords read a second Time the Bill touching the Knights of the Shire for *England*, and committed the same, and order’d the Lords to be summoned.

Then read a second Time the Bill for the further quieting and establishing Corporations : Hereupon Lord *Romney* stood up, and spoke to the following Effect.

Debate on the Bill for farther quieting Corporations.

*My Lords,*

‘ When, at the Conclusion of a late Debate, it was proposed by a noble Lord, that a Bill should be drawn up for the Prevention of those Disturbances in Corporations, which

Lord Romney.



An. 16. Geo. II. were feared, and feared with great Reason, from the Judgment then given, the Equity and Propriety of the Proposal was approved, at least tacitly, by the whole House; and a Bill for that Purpose has been accordingly drawn up, and brought in, in Conformity to the Notions which appeared, at the Time when it was proposed, to prevail in the House, and formed in such a Manner as to be very little liable to Evasion, and therefore such as, in my Opinion, will carry the greatest Security.

1742.

‘ The Bill is now after the second Reading, in due Course to be referred to a Committee; and then, whether it be agreeable to the Intention of your Lordships, whether any necessary Provisions are omitted, whether any Ambiguities may furnish Opportunity to Artifice and Subtily for such Explanations of it as may defeat the End for which it is designed, will be properly enquired. I doubt not but it will be found, if not a perfect Bill, at least a Foundation on which such a Superstructure of Securities may be raised, as all the Arts of malicious Prosecution, and all the Efforts of ministerial Power shall never be able to overturn or shake. I shall at present, therefore, only beg your Lordships Indulgence to shew the Necessity of a Bill for this Purpose, if the present should not be approved.

‘ It is to be considered, my Lords, that the general State of most of the Corporations of this Kingdom is necessarily such, that very few of the Members can be supposed to understand the Charter from which they derive their Authority, and that therefore they do not regulate their Conduct by consulting it as Occasion may demand, but by enquiring, how their Predecessors acted in similar Cases, upon the Presumption very generally admitted that the Precedent on which the present Officer founds his Behaviour, was likewise justified by some former Precedent, and that the Series of Precedents was so carried up to the first Institution of the Corporation, when the Charter must be supposed to have been critically explained, and accurately understood.

‘ Thus, my Lords, in many Corporations, the Knowledge of their own Privileges is merely traditional. Example supplies the Place of Rule, and the Charter however carefully preserved is seldom consulted, because it is not understood.

‘ But, my Lords, Tradition, where it is confined to a small Number, and where it sometimes depends upon the Memory or Integrity of a single Man, may be very easily changed, and insensible Deviations from the Charter may be multiplied by Degrees, till a very great Change shall be made

made in the State of the Corporation, who may yet think that they are acting by Virtue of the Grant which their Predecessors received, and exerting no Privileges but what were granted them by regal Favour.

An. 16. Geo. II.  
1742.

‘ It is therefore, my Lords, to be remembered in favour of those who have in any Case departed from the strict Construction or original Intention of their Charter, that their Deviations are for the greatest Part rather Errors than Crimes, that they are more often the Effects of a real and unavoidable Ignorance than of Artifice or Design, and that they have therefore a natural Claim to Pardon and Indulgence.

‘ There is likewise another Consideration which may induce your Lordships to promote a Bill like this, a Consideration, in my Opinion, of very great Importance, and which a little Experience in Affairs will shew to be by no Means chimerical. It is not unlikely, my Lords, that many Charters may be disregarded, because they cannot possibly be observed, or not without greater Inconvenience than the Forfeiture of them would produce.

‘ It is very easy, my Lords to suppose, that by the Increase or Diminution of the Number of Inhabitants, the Fluctuations of Trade, the Translations of Property, the Accidents of War to which some of our Corporations have, in the unhappy Times of our Ancestors, been frequently exposed, the Calamities of Fire and Inundation which are equally to be dreaded at all Times, or the Improvements or Degeneracy of the circumjacent Soil, our Towns are subject to Changes either sudden or gradual, while the Charter by which they are governed continues the same; but it will easily be imagined that the Form of Government which was convenient for one State may be impracticable in another. The Government of a Town in its flourishing Condition may be committed to such a Body of Men, under various Denominations, as may exceed the Number of its Inhabitants in its Decline; or such Qualifications may be made necessary to its chief Magistrate, as in Time no Man may be found to possess.

‘ It may likewise happen, my Lords, that by the Improvement of any Manufacture or the Attainment of some new Advantages, a Town may be remarkably augmented and enriched, of which it is not difficult to find Examples in this Kingdom, the Charter then may be found equally inconvenient. Encrease of People produces new Combinations of Property, and new Varieties of Claim; and when there is an Encrease of Possessions which are the natural Subjects of Dispute, Disputes will likewise proportionably encrease; if a Charter then be intended to enable the Magistrate

An. 16. Geo. II.  
1742.

strates to govern the Town, the Charter must by equitable Construction be enlarged with the Wants of those whose Benefit is intended by it.

‘ That both these Cases have happened in this Kingdom cannot be doubted ; nor can it be imagined that many Charters have been observed in the utmost Rigour, since I believe it would appear, if their Dates were examined, that Trade has changed the whole Face of the Nation, since they were granted.

‘ It may likewise, my Lords, be easily conceived that some of the Charters may be in themselves dubious, imperfect or inconsistent ; that they may prescribe Conditions impossible to be always found in order to qualify the Magistrates, or omit Powers absolutely necessary to Government, or direct the different Offices to be executed, in a Manner which must produce perpetual Disputes.

‘ All this, my Lords, may be reasonably suspected by any Man who considers the Imperfection of many of our Laws, though they pass through the Consideration of much greater Numbers than we can suppose to be engaged in drawing up a Charter ; and though the Forms of the Legislature require that they should be read at different Intervals, that what is overlooked at one Time may be discovered at another. It is well known that in the Execution of many of these Laws the Sense of some Passages was at first arbitrarily explained by the Courts, and such Explanation confirm’d by a long Course of Precedents at last established as authentic and indubitable, and that many Defects have been supplied by regarding only the Intention of the Legislature.

‘ What the Frailty of human Nature, even where it may be supposed to act with most Vigour, has hitherto made necessary in the national Laws, may surely be allowed in the Charters of particular Corporations ; nor can they be charged with any Departure from Right, in attempting to reconcile their Charters with Justice and with Reason.

‘ It may be urged, indeed, that when a Charter is found thus imperfect, or when the State of the Place is altered, a new Grant should be solicited from the same Power which bestowed the former ; that no Society should presume to bestow Privileges upon themselves, or explain the Grants of the Crown according to their own present Convenience, or accidental Caprice ; that all Evils should be redressed by proper Authority, and that new Charters should be granted where the old cannot be observed.

‘ This, my Lords, may be easily and speciously alledged by those who are desirous of propagating Dependence, or intro-

introducing Discontents, Complaints and Confusion, but will not be much regarded by those who are acquainted with the general State of Mankind, who know that these Inconveniences are often felt by Degrees, that their first Accesses are too slight to require Complaint, and seem to admit of Remedies by such trivial Alterations as are unworthy of any publick Notice, or formal Permission, or legal Establishment; that the first Deviations naturally, sometimes necessarily, lead to others of which the Gradations are again small, and if not in themselves imperceptible, frequently unperceiv'd and disregarded; and that those who have wandered farthest from their original Establishment, do not know when they left the Path which was marked out for them, since each Man has followed him that went before him, upon Supposition that his Leader still observed the Track of some other Guide.

Ann. 16. Geo. II;  
1742.

' It will likewise be worthy of the Candour of your Lordships to consider what Difficulties Men, not much acquainted with publick Affairs, may find or fear in soliciting a new Charter; how ignorant they may be of the proper Methods of Application; how unable or how unwilling to support the Expence which the detestable Practice of our own Times, has made the certain Attendant upon all Solicitation; how much the perpetual Struggles of Party have influenced the Determination of all Questions relating to Corporate Bodies; how unwillingly every Man dissolves a certain Establishment in hopes of mending it by a lucky Chance; and how justly every Community may fear, that if their Charter was resign'd, another would either not be granted, or would be wholly regulated by the private Interest of particular Persons, who desired either to punish or enslave them, either to revenge past Disappointments, or to prevent future Defeats.

' These Considerations, my Lords, will easily appear to be reasonable and general; that they are reasonable, even the late Prosecution which gave Occasion to this Bill will evince; and that they are general appears from this, that though it cannot be doubted but that the Changes which the last Century has produced in most of our Towns and Cities, must naturally incline them to wish for some Alterations in their Charters, by which they may be better accommodated to their present State, yet we do not hear from any Part of the Kingdom, of any Petitions for new Charters, or any Resignations of those which have been formerly granted; nor can this seeming Neglect of their Interest which apparently prevails in almost all the Towns of this Kingdom, be imputed to any other Cause than an universal Jealousy  
that

An. 16. Geo. II. that no Change can be obtained for the better, and that by endeavouring to set themselves free from less Evils they shall only expose themselves to greater.

1742.

' This is, in my Opinion, a sufficient Apology for the Application of Remedies not strictly legal, that they are easy, certain, and safe, and that those which the Law prescribes are hard to be obtained, and dubious in their Event ; that the one is in their own Hands, and may be used and laid aside at Pleasure, the other must be procured by long Attendance and expensive Solicitation, and if obtained, will be imposed for ever upon them, and may be in Time more burthensome than the Evils which they were intended to remove. These Reasons, though they cannot wholly justify, must at least extenuate, any slight Transgression of arbitrary Laws ; and he certainly deserves to be applauded for his Regularity, who does not sometimes commit equal Crimes with less Temptations.

' It is likewise reasonable to believe, my Lords, that all these secret and unregarded Violations are commonly in themselves either conducive to the general Advantage of Society, and therefore consistent with the Intention, tho' contrary to the Words of the Charter, or at worst indifferent ; and therefore such as, having been long tolerated, may be at length safely confirmed ; confirmed in Consequence of Experience, which is the sure, the only Guide in complicated Cases. That they are not detrimental, may be concluded from the Silence with which they have been acted, and the Patience with which they have been born ; for it cannot be imagined that one Part of a Corporation would suffer another to recede from their common Charter for the Sake of any particular Interest, or that the whole Body would concur to violate it but for the general Advantage.

' It therefore appears to me, that your Lordships by confirming the Charters of this Kingdom in their present State, will establish Peace, and promote Happiness, and that your Endeavours will deserve the Thanks both of the present Age and of Posterity.

' For which I move, that the Bill be referred to a Committee.'

The Earl of *Cholmondeley* spoke next.

*My Lords,*

E. of *Cholmondeley*.

' I am very far from denying in general all the Positions of the noble Lord. He must be allow'd to have given us a very striking View of the Reasons which may possibly have contributed to the Violation of Charters ; he has shewn great  
Extent

Extent of Observation, and great Strength of Reflection, in comprehending and explaining all the Inconveniences which may arise from a strict Adherence to them, and no less Dexterity in extenuating the Offence of departing from them.

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‘ That many of his Assertions are true, that some of them cannot reasonably be supposed false, I am ready to confess; but cannot therefore admit the Inference which he intends, that this Bill is consequently necessary or proper; for I cannot but think that it must appear more dangerous to the publick Happiness, than the Evils which it is design’d to obviate or to remove.

‘ Let us consider, my Lords, what we are about to enact by consenting to the Bill which is now before us; it is proposed, that all the present Practices of all the Corporations of this Kingdom, if not questioned or suppressed before a certain Time, which Time is intended, I suppose, to be placed at no great Distance, shall forever be confirmed, and consider’d a Part of their Charter, that no Election should be call’d in Question, nor the Qualifications of any Magistrate examined.

‘ The first Reflection that must occur to every Man whose Vote is desired for a Law like this, is, that he is required to act in the dark, to confirm Practices with which he is unacquainted, of which he knows neither the previous Motives nor the consequent Effects; and to support Magistrates of whom he knows not how they obtained, or execute their Offices. It is impossible not to consider, that by passing this Bill, we shall decide a thousand Questions which we have not examin’d, and justify a thousand Actions of which we have had no Account.

‘ To act thus, my Lords, is surely unworthy of an Assembly celebrated at once for Wisdom and for Justice; it is unworthy of a rational Being, to determine without any Motives to influence him; it is the wildest Deviation from the Paths of Justice to decide without hearing the Cause.

‘ The noble Lord has, indeed, endeavoured to shew, that this Conduct may be beneficial, but cannot be dangerous; that though we do not know the particular State of every Transaction that will be involved in this Bill of Impunity and Security, we have yet Knowledge sufficient to influence us to pass it; since, in his Opinion, it is reasonable to conceive, that all the Violations of Charters are innocent at least, if not beneficial; and therefore by securing them from Censure, we shall do no Injury to any Community.

‘ I cannot discover, my Lords, any Reason for imagining that Charters are never broken but for good Purposes. I

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am not much inclined to believe, when I see the Law broken, that the Law is to be blamed; for tho' Laws are the Contrivances only of human Wisdom, and therefore may be in some Cases inconvenient, and in others defective; and tho' it is not impossible, that the Happiness which a Law is intended to promote, may be more advanced by neglecting than observing it, yet I cannot allow, that private Men should erect a Tribunal superior to the Legislative Power; and I think that the Precept, of which every Man is left at Liberty to judge, and by which therefore no Man is obliged, is no Law. Nor do I readily conceive, that those who break the Law, find it so much inconvenient to the Publick as to themselves.

' To assert that the Charter is never broken but for the general Advantage of those to whom it was granted, is, in my Opinion, to assert not only without Proof, but against Experience. Charters, my Lords, are often broken in the Struggles of Party, only to obtain a single Victory, or temporary Superiority; they are broken sometimes by the wealthy and powerful for more detestable and infamous Purposes, for the Sake of engrossing Authority, and of oppressing those who shall murmur at their Administration. They are broken sometimes for the sake of diverting publick Charities to private Uses, sometimes to aggrandise particular Families, sometimes to advance the general Interest of the Town to the Disadvantage of Foreigners, or of neighbouring Places, and sometimes indeed, which is most easily to be excused, by mere Negligence or Ignorance.

' If a View were to be taken of all the Boroughs and Cities of this Kingdom, I am afraid, my Lords, Instances of Charters, violated for the most flagitious of the Reasons which I have enumerated, would very frequently occur; for nothing can be more fallacious than the Inference made by the noble Lord, that no Inconvenience is felt or feared from the Violation of Charters, because no Petitions are offered to the Parliament, and no Prosecutions are commenced in the Courts.

' It is to be considered, my Lords, how many Cruelties and Injuries are suffered every Day in the Sight of almost every Man, without any regular Appeal to the Laws for Redress, and very often without Resistance, and without Complaint; let us reflect upon the Reasons of this Submission, and we shall soon discover, that a Practice is not necessarily approved because it is borne.

' When Charters are broken, they are broke certainly with some Temptation of Advantage, and in Confidence that

that the Violation will pass uncensured ; but it does not follow, that this Confidence arises from Integrity, or that the Advantage which tempted to it was general. It is, I am afraid, my Lords, more frequently to be found, that by the Violation of Charters, as by the Depravity of other Governments, the Many are injur'd for the Gain of the Few ; and that Practices contrary to the original Institution of Corporations, are continued by the same Arts and the same Weaknesses as all the other Oppressions of tyrannical Government. The Advantage of Oppression is immediate, and certain, and great because it is extended to few, who, because they are few, are easily united by common Interest, or by common Danger : The Advantage of Resistance is distant and uncertain, and perhaps to each Individual not worth the Danger of the Contest ; in which, if he should be deserted by his Associates, or overcome by Artifice or Strength, he must expect to be pursued with the utmost Rage of Vengeance.

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' This Argument is not now necessary to trace thro' those Deductions which might raise it to Certainty ; it is enough that it appears upon the most transient View, equally probable with those to which it is opposed, and that it may be strengthened even by the Reasoning of the noble Lord, whose Eloquence and Acuteness have given Occasion to it. Let him consider, my Lords, the Reasons why those who are dissatisfied with their present Charter do not petition for another ; let him consider once more the Expence of Solicitation, the Labour of Attendance, the Virulence of Party, and the Danger of Disappointment ; and he will not wonder, that the Violation of Charters is sometimes borne by those who do not approve it. Many Men who are oppressed want Spirit, and others Money to set themselves free ; many are afraid of interrupting their Quiet, and many of being branded for Discontent and Litigiousness.

' It is likewise to be remembered, that the Charters, represented as very little consulted or understood by those on whom they are supposed to confer Authority, may be no better known to those who submit to the Authority conferred by them ; and to the noble Lord's Plea, that Charters are violated by Ignorance more than by Design, it may be easily replied, that the Violation of Charters is likewise oftener borne, because they who are oppressed are unacquainted with the Extent of their own legal Claims, than approved as necessary to the general Advantage of the Community.

' Surely nothing would therefore be more unreasonable than to confirm the present Usages and Customs of Corporations



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tions without Restriction, and without Limits ; to deprive perhaps a great Part of our Fellow-Subjects of Rights to which they have not a Claim less just, because they do not know them, or cannot at present conveniently assert them, and to establish Oppression, which is not less criminal, because it is practised, under the Sanction of a Charter.

‘ If a Bill should be proposed to your Lordships by which every Man should be confirmed in his present Possessions, by what Title soever held, or by what Means soever obtain’d ; if it was proposed to you to enact, that stolen Goods not reclaimed in a certain Time should remain for ever the Property of the Thief, the Motion would be rejected with Indignation ; yet I know not what could be urg’d against it, that is not really of equal Force against this Bill.

‘ That there are some Inconveniences in the present Practice, cannot be denied. Some Deviations from Charters are perhaps inevitable, others are rather Errors than Crimes, and yet all of them subject Corporations and Magistrates to vexatious Prosecutions, and expensive Contests ; all of them may sometimes furnish Opportunities to the Agents of Faction or Ambition, to call in Law to the Assistance of Party, and under the Pretence of publick Justice to advance the particular Interests of wicked Men. These, my Lords, are real Evils, and for these, he that can provide an adequate Remedy will deserve to be remembered with the highest Honour by all future Ages. But surely, my Lords, to prevent these Prosecutions by legitimating the Practice, however criminal, that may give Occasion to them, is not more rational or just, than to decree, that no Crime shall be henceforward punished, because some Punishments have been unjustly inflicted ; that no Thief shall be hereafter prosecuted, because some Prosecutors have shewn that they acted rather from Malice than from Justice.

‘ For my Part, my Lords, I am afraid that this Evil must remain among the irremediable Inconveniences of Government, among the unavoidable Consequences of the Wickedness of Mankind, and that as no Bill can provide for all the particular Interests that can be computed, nor the contrary Practices of different Places that are to be adjusted, so no general Law can be made, which will not rather support Guilt than secure Innocence.’

The Lord Chancellor then rose up, and spoke as follows :  
*My Lords,*

Lord Hardwick.

‘ As no human Institution can be so absolutely perfect as to be free from all Inconveniences, it requires great Judgment

ment and Foresight to chuse that which will be exposed to the fewest, or the least dangerous Consequences. This is the most that can be done by human Wisdom, and to do this requires the strictest Scrutiny, the most mature Deliberation. The Scope and Intent of this Bill I approve of, and I shall grant, that the Bill is fundamentally right; but I am afraid, that in the Shape it now appears in, it will produce more and greater Evils than those it is intended to cure. To remain always liable to Prosecutions, Penalties and Forfeitures, is a most unfortunate Situation for a private Man, and it is equally so for a publick Society or Corporation. Such a Corporation, I shall allow, must always be very much under the Influence of Ministers, who must necessarily have the Direction of those Prosecutions, and the Power of exacting those Penalties and Forfeitures. For preventing this, I wish a Law could be contrived, which would not expose us to greater Evils; but I fear it is impossible; for there are many Evils and many Inconveniences which every Society is exposed to, that cannot be prevented by a positive and particular Law, without opening a Door for greater; such Evils or Inconveniences must therefore be left to the Care of the Civil Magistrate, and the Superintendency of the supreme and absolute Power of the Society. By our happy Constitution this supreme and absolute Power is lodg'd in such Hands as may safely be trusted: It is lodg'd in King, Lords, and Commons; and as they have a Power to declare that to be a Crime which was never declar'd to be so by any Statute; as they have a Power to inflict an adequate Punishment, tho' no particular Punishment was ever prescribed by any positive Law, we have the less Reason to increase the Volume of our Statute-Book, already too voluminous, by describing every Crime that can be imagined, or by prescribing Remedies for every Inconvenience, the Society may be suppos'd to be liable to.

\* It is the Business of the Crown to take Care, that every Member of the Society conforms himself to those Laws and Regulations which are establish'd for the good Government and Happiness thereof; it is the Duty of the Crown to prosecute those that do not, and to exact the Penalties and Forfeitures Offenders have incurr'd, when the Good of the Society requires Rigour; and the Performance of this Duty must necessarily be lodg'd in the Hands of the Ministers and Servants of the Crown: If they make Use of the Power thus necessarily lodg'd in their Hands, to gain an illegal Influence over our Cities and Corporations with regard to their Elections, I shall grant it a real Evil: I shall grant that the proper

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per Remedy ought to be applied as soon as possible; and that Remedy our Constitution has already provided. An Impeachment is the proper Remedy: That Remedy is to be applied by the other House, who are certainly the best Judges, because they will first feel the Effects of the Distemper.

‘ For this Reason, my Lords, I must suppose, that the Distemper intended to be cured, or rather prevented, by this Bill, is as yet imaginary, and consequently that the Bill is at present unnecessary; But this is not all: If this Bill, as it now stands, should be pass’d into a Law, I think it would be attended with many Inconveniences; or that otherwise it would be without any Effect; for if you limit the Prescription to a very short Time, it would be of the most dangerous Consequence; and if you fix it at a very long Term, the Bill could have little or no Effect, because the Power of Ministers, with respect to the Prosecutions they may carry on against Corporations, would remain so extensive, that an ill Use of it might produce all the bad Effects it can do at present, and consequently could not be restrained by this Bill, but by that Remedy which our Constitution has already establish’d; I mean a Parliamentary Inquiry and an Impeachment, or Bill of Pains and Penalties from the other House.

‘ Prescription, my Lords, or that Right which a Man acquires by a long uninterrupted Possession, has always been look’d on with an evil Eye by the Common Law of this Kingdom; and the Statutes, by which Prescriptions or Limitations are establish’d, have been generally, and ought to be strictly interpreted. So cautious has our Law been of adopting this Method of acquiring a Right or an Immunity, that *Nullum Tempus occurrit Regi* has been always held as a Maxim; and even to this Day, it is held very dishonourable for a Man to plead any of our Statutes of Limitation, in Avoidance of what is supposed to be a just Debt. Now, my Lords, an Office in any City or Borough is a Right which ought to be justly and lawfully acquired, as much as any other; and the just and lawful Way of acquiring such a Right is by a due and regular Election, or Admission of a Person properly qualify’d for that Office. If the Person be not properly qualified, or not duely and regularly admitted or elected, he has no just Title to that Office; and yet by this Bill you are to give him an indefeasible Right, if he can but keep Possession for a few Months, or for a small Number of Years: I can say, a small Number of Years, for if you make the Time for quieting such an Officer’s or Magistrate’s Possession of any long Duration, the Bill will have no Effect; and

and if you establish a very short Term, it will, in my Opinion, be establishing Injustice and Violence by a Law.

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Besides the Injustice, my Lords, which this Bill may be taxed with, it may be said to be a Sort of Encroachment upon the Prerogatives of the Crown ; for as the King has the sole Right of establishing Corporations, he likewise has a Right to take care, that the Corporation, as well as every Officer and Magistrate that belongs to it, shall observe the Rules he has been pleased to prescribe to them in their Charter ; and to limit his Power of prosecuting for any Neglect or Non-observance to a very short Term, is not only an Encroachment upon his Right, but it may be attended with very bad Consequences ; for good Order and even the publick Tranquility require, that every subordinate Society should observe the Rules and Orders which have been prescribed for their Conduct by the supreme Power ; and we cannot suppose, that any Corporation, or any Magistrate or Officer of a Corporation, will be very exact in their Observance of those Rules and Orders, when they know, that a Year or two's Neglect of Prosecution, (a Neglect which the Officers of the Crown are too often guilty of) will secure them against all the Disabilities they may at first have labour'd under, and against all the Penalties and Forfeitures they may have afterwards incurr'd. What Confusion this may introduce, or how it may tend to disturb the publick Tranquility, may be apprehended, but cannot be easily foreseen.

I must further observe, my Lords, that this Bill is really a Sort of Repeat of those Laws, which have always been deemed the great Security of our Church as by Law established. When I say this, every Lord may suppose, I mean the Corporation and Test Acts : For if this Bill be pass'd into a Law, the most rigid Dissenter might get himself chosen an Alderman of *London*, or a Magistrate of some other City or Borough, without taking the Oaths, or conforming to what is required by Law, for the Security of our Church ; and if he escapes being prosecuted during the Time to be limited by this Bill, he might continue in that Magistracy during Life, without ever conforming himself to the Establish'd Church ; for the Act does not require his conforming after he is elected ; and after the Expiration of that Time, his Election could not be declared void on account of his not having conformed within the Year preceding his Election ; so that if this Bill was pass'd into a Law, all those Magistrates in our Cities or Boroughs, who are chosen for Life, might be such as openly frequented Conventicles ; for if they did not go there in

An. 16. Geo. II. their Habits and Ensigns of Magistracy, they could neither  
 1742. be removed nor punished for the Affront put upon the Establishment'd Church.

‘ To this I shall add, my Lords, that the passing of this Bill into a Law would be very inconvenient for the Corporations themselves, and might bring many of them into great Confusion; for their Magistrates and Officers would become negligent, and consequently commit great Oversight in the Execution of their Office, if they knew that they could neither be removed nor punished for such Negligence, unless the Prosecution should be commenced within a short Time after the Fault committed, which might very probably be expired before the Neglect or Oversight could be discovered.

‘ If the Bill were necessary, yet, I think the present a very improper Conjunction for our passing it. We know how jealous the People are of the Liberties and Privileges of our Cities and Corporations: We know, that an Attempt upon, or rather the actual Invasion of their Liberties and Privileges, was one of the chief Causes of that general Discontent which brought about the Revolution; and our passing such a Bill would make most People suspect, that some Attempts of the same Nature had lately been made. Is this a proper Time to give any Ground for such a dangerous Suspicion? We are already engaged in one dangerous War: We are, I may say, upon the Brink of being engaged in another. Is such a Conjunction proper for raising a Suspicion, which must produce such a general Discontent, as may not only encourage our Enemies to invade us, but crown their Invasion with Success? Whilst the Bill remains in this House, it is not much heard of without Doors; but if it should be sent to the other, let the Bill be in itself never so improper, let the Objections to the Form of it be never so strong, I should be afraid of its being rejected, because the People without Doors, who could not hear the Reasons for rejecting it, would, from its being agreed to by this House suspect, that some Attempts had lately been made upon the Liberties and Privileges of our Corporations; and from its being rejected by the other House they would be convinced, not only that such Attempts had been made, but that they had been made with such Success as to render the Bill for preventing them unsuccessful.

‘ For these Reasons, my Lords, tho’ in general I approve of the Design of the Bill, tho’ I think it fundamentally right; yet as I think it unnecessary as I cannot approve of the Form in which it is at present, and as I think it would  
 be

be extremely dangerous to pass any such Bill at this Juncture, An. 16. Geo. II.  
I must be against its being committed.'

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Lord *Raymond* spoke next, to the following Effect :

*My Lords,*

' As I pretend to no great Knowledge of the Law, I shall not determine how far this Bill may tend to obstruct the Law Proceedings against those Corporations that have not only forfeited, but deserved to be stript of their Charter ; for that a Corporation may deserve to be disfranchised, I believe, none of your Lordships will deny ; and when we consider, that Mobs, Riots, and Insurrections, generally begin in Cities and Corporate Towns, I believe, it will be granted by all those who desire to have the publick Tranquillity preserved, that our Cities and Corporate Towns cannot be kept too much under the Eye of the supreme Magistrate. If this Bill should be found to be such an Obstruction to our Law Proceedings, that no Corporation, however guilty, could be prosecuted within the Time limited, which may be the Case if you make that Limitation too short, it must be granted, that the Bill would be attended with very dangerous Consequences. But upon this Occasion, a Doctrine has been advanced, with Regard to Prerogative, which I think something new. It has been said, my Lords, that Prerogative is designed solely for the Good of the Society ; and that therefore when any Prerogative is so far extended, or exercised in such a Manner, as to be hurtful to the Society, it ceases to be a Prerogative, and comes to be nothing but an illegal Power.

Lord *Raymond* :

' I shall grant, that all the Prerogatives of the Crown are designed for the Good of Society, so is every Power with which any Magistrate whatever is invested. There is no Difference in this Respect between the Powers with which the Crown is by our Constitution invested, and that of inferior Magistrates, except only the Name, those Powers that are lodg'd in the Crown being call'd by a peculiar Name, Prerogatives ; and these as well as the Powers any inferior Magistrate is invested with, may be made a bad Use of, but are not for that single Reason to be abrogated or restrained ; for every Restraint is, in so far as it goes, an actual Abrogation or Annihilation of the Power. If an inferior Magistrate makes a bad Use of his Power, he may be punished, he ought to be punished ; and as the Prerogatives of the Crown are, or by our Constitution are supposed to be exercised, or advised by the Ministers, if they make a bad Use of them, they ought to be punished ; but as the Wisdom of

An. 16. Geo. II. our Ancestors, and long Experience have found it necessary  
 1742. for the Good of the Society, and for giving our Govern-  
 ment a proper Activity, to lodge such Powers in the Hands  
 of the Crown, a Prerogative is not to be limited or restrain-  
 ed because a Minister has made a bad Use of it.

' For this Reason, my Lords, whenever a Question comes  
 before us about the Prerogatives of the Crown, we are to  
 consider only, whether that Prerogative be necessary for the  
 Exercise of Government.

' Our Corporations, my Lords, are, I may say, the Crea-  
 tures of the Crown. By our Constitution it has always been  
 thought fit to leave the creating of them in the Power of  
 the Crown, and at the Time of their Creation the King  
 may prescribe to them whatever Form and Rules of Govern-  
 ment he thinks fit. This Form they are obliged to adhere  
 to, these Rules they are obliged to observe : If they do not,  
 they forfeit their Charter ; and the King may, or may not,  
 take Advantage of that Forfeiture, as he pleases. This Pow-  
 er has for Time immemorial been lodged in the Crown with-  
 out Limitation, and has always been thought necessary for  
 preserving the Order and good Government of our Cities  
 and Corporations. But nothing that has been approved of  
 and established by our Ancestors, can, it seems, give Satis-  
 faction to the Reformers of the present Age ; and therefore  
 this Prerogative of the Crown is, I find, to be curtailed,  
 and settled according to a new Model, by which these Re-  
 formers pretend our Liberties will be more secure.

' Liberty, my Lords, is a favourite Word, and has al-  
 ways been so in every free Country ; but it is too often a  
 Mask for Ambition and Lust of Power : *Julius Caesar* made  
 himself Master of *Rome*, in order to preserve the Liberties  
 of *Rome* ; and the Contenders for Liberty in *Charles I*'s  
 Reign, brought their Country under the absolute Power of  
*Oliver Cromwell*. I wish we may not be now drawing to-  
 wards some such fatal Catastrophe ; for the Liberties of a  
 free Country are always most in Danger, when the People  
 are most clamorous for Liberty. We have for many Ages  
 preserved our Liberties under our present Form of Govern-  
 ment : But no one can tell what may be the Consequence  
 of any Innovation. I hope, the People of this Country will  
 never again give Occasion to say of them, as was said of the  
 Plebeians, or Commons of *Rome*, under their *Decemvirs* :  
*Avide ruendo ad Libertatem in Servitutem elapsi*.

' This, my Lords, makes me afraid of every Innovation.  
 If any Attempts have lately been made upon our Liberties,  
 let us punish the Aggressors ; but do not let us alter that  
 Constitution

Constitution under which we have so long preserved our Liberties. What is now proposed will, I think, make a very great Alteration in our Constitution, by taking almost entirely away from the Crown, that Power over Cities and Corporations, which I think absolutely necessary for preserving in them a due Subordination to the Government of their Country ; and consequently I must be against the committing of this Bill.

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1742.

The Earl of *Sandwich* stood up next, and spoke in Substance thus :

*My Lords,*

‘ I shall very readily join with the noble Lord who spoke last, in one Thing he was pleased to say. His Lordship was pleased to observe, ‘ That the Liberties of a free Country are never more in Danger, than when the People are clamorous for Liberty.’ In this I agree with him ; for the People will never be clamorous for Liberty, but when they feel themselves oppressed. And then, I hope, they will always meet with some amongst us who will have Compassion enough to give Ear to their Cries, and Courage enough to endeavour to relieve them from their Oppressions. In such Cases, ’tis true, the People have often, especially in this Country, been deceived by Leaders, who, as has afterwards appeared, set themselves up as Patrons of Liberty, with no other View but to get into Power. But is this a Reason for the People’s being quiet under Oppression ? No, my Lords, it never can be thought so : In this Country, I hope, it never will appear to be so. A brave and virtuous People never will tamely submit to Slavery or Oppression : If they are deserted or betrayed by one Set of Men they will chuse another ; and very probably make an Example of those that had betrayed them, as they did in the Reign of *Charles the Ist.*

‘ It is a Mistake, my Lords, which most Men run into, to think that *Julius Casar* subverted the Liberties of *Rome*. They were subverted long before his Time by the Corruption and Venality of the *Roman* Citizens ; and, indeed, it could not well happen otherwise ; for, by their many Conquests, they had made the Top of their Commonwealth too large for the Bottom. Their Governors of Provinces returned with such immense Riches to *Rome*, that they began to have it in their Power to bribe the *Roman* Citizens, in whom the whole Power of that great Republick was ultimately lodged ; and from the Time the Votes of the Citi-



An. 16. Geo. II. zens began to be venal, from that Time, I say, they began to be the Slaves of those that could bribe them If the

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*Romans* had enlarged the Foundation of their Government in Proportion as they encreased their Conquests, they might have preserved their Freedom much longer than they did ; but as soon as a few Citizens became rich enough to corrupt the Fountain of their Government, the People of course became Slaves to a few of the Grandees, and the whole Contention was, which of these should be the chief Tyrant. These were the Circumstances of *Rome*, when the Contest happened between *Pompey* and *Julius Caesar* ; and therefore, the Contest was not then about overthrowing or establishing the Liberties of *Rome*, but whether *Julius Caesar* or *Pompey* should be Master of the *Romans*.

‘ This I mention, my Lords, to shew how careful we ought to be, to prevent its being ever in the Power of any one Man, or Set of Men, to corrupt the Fountain of our Government, which I take to be the two Houses of Parliament. Whenever any Thing like this happens, Oppression must ensue ; and when the People feel the Oppression, they will clamour. What signifies it to tell us, that our Constitution and Liberties were overturned by *Oliver Cromwell* ? Will any Lord say, that the People ought to have submitted quietly to the Tyranny and Oppression of King *Charles* the First’s Ministers ? I say his Ministers, my Lords, for I am very far from thinking that he himself was, in his Nature, either oppressive or tyrannical ; but it is as plain as History and Records can make it, that his whole Reign, from the Beginning to the Year 1640, was a continued Course of Obstinacy and Oppression upon the Side of the Court, and Patience and Suffering upon the Side of the People. The Friends of their Country foresaw, that fatal Consequences might happen from a Civil War : They dreaded, I do not question, all that did really happen, and that made them so loth to engage ; but at last they saw that certain Slavery would be the Consequence of submitting tamely any longer, whereas, by bravely opposing, they had a Chance for the Re-establishment of Liberty.

‘ What happened, therefore, by the Art and Management of *Oliver Cromwell*, can be no Argument for the People to allow themselves to be made Slaves by the Ministers of any King ; because if the Dispute should unfortunately, as, I hope, it never will, produce a Civil War, and the People should get the better, it is hardly possible to suppose, that the successful General would be able to do as *Oliver Cromwell* did ; for he was not only in himself a Prodigy  
of

of Art and Dissimulation, but he had under his Command an Army of Enthusiasts, who, of all Sorts of Men, are the most liable to be deceived by one who knows how to touch the proper String of their Madneis. But on the other hand, what happened under King *Charles* the First, ought to be a Warning to all future Kings and Ministers, to listen to the Cries of the People, and not refuse obstinately what the Majority of the Nation think absolutely necessary for securing their Liberties against supposed Dangers. Let those Dangers be ever so imaginary, if the People cannot be persuaded that they are so, something ought to be done, some Concessions ought to be made by the Court, in order to give the People Satisfaction; and our Histories may shew us, that the People of this Country are but too easily satisfied; which is the chief Reason of our Constitution's being so often in Want of Amendment.

‘ It is really pleasant to hear some Lords talk of Innovations in our Constitution. For God's sake, my Lords, what are the Laws we pass yearly? Is not every publick Law an Innovation in our Constitution? Do not we thereby add to, alter, or abridge, some of the Powers or Prerogatives of the Crown? If we had not made many Laws for this Purpose, can it be said, we should now have had any Liberty left? Criminals are every Day inventing new Crimes, or new Methods for evading the Laws that have been made for punishing or preventing them, which obliges us almost every Year to pass new Laws against them: By these the Power of the Crown is generally enlarged. Ministers again are almost always contriving new Methods for extending the Prerogatives of the Crown to the Oppression of the People, which obliges us to be often contriving new Laws for restraining them: By these the Power of the Crown, I shall grant, is lessened. What then? Is not our Government a limited Monarchy? Is not the Power of the Crown limited by our Constitution and Laws? If by Experience it be found, that the Power of the Crown is not in some Cases sufficiently limited by the Laws in being, must not we, ought we not to contrive new Laws for that Purpose? Some Lords may, if they please, call this an Encroachment upon the Prerogatives of the Crown: I shall not fall out with them about the Term, because I think the Prerogative may, and ought to be restrained, as often as Experience convinces us that it is turned to a wrong Use.

‘ This, my Lords, is the very Case now before us: Very late Experience has convinc'd us, that with regard to the Power the Crown has of prosecuting Corporations or Officers

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cers of Corporations, upon any Departure from, or Misusage of their Charter, this Power, or Prerogative if you will, is too extensive. A new ministerial Trick for extending this Prerogative to the Oppression of the People, was but last Session discover'd; and now it is discover'd, shall not we contrive some new Law for preventing this dangerous Practice? A Practice, my Lords, by which our Constitution must very soon, if not prevented, be fundamentally overturned. To talk of Prerogative upon such an Occasion, and to boggle at making any Entrenchment upon it, seems to me to be shewing a much greater Concern for the Prerogatives of the Crown than for the Liberties of the People, which I am sure none of your Lordships would be guilty of; and I think you should avoid even the Appearance of it, and if so, you must agree to the committing of this Bill.

' I am surpris'd, my Lords, to hear this Bill represented as such an outrageous Incroachment upon the Prerogatives of the Crown, or as if the Crown were thereby to be deprived of the Power to keep any Corporation to the strict Observance of their Charter. There is no such Thing design'd by the Bill: The Power of the Crown is not in this Respect to be in the least diminished. The Ministers of the Crown only are to be obliged to be a little watchful, and to prosecute within a certain Time, if thought at all necessary, after the Misusage, or the Forfeiture incurr'd; and surely if the Misusage be such a one as deserves Punishment, or such a one as necessarily requires to be rectify'd, the sooner it is done it will be the better for the Publick, and consequently for the Crown. If Ministers should be so negligent as to let the Time to be limited elapse without Prosecution, the Crown will always have a Power to punish them sufficiently for their Negligence, by removing them from their Employments; and therefore we can never suppose, they will be so negligent, where the Honour or Interest of the Crown is really concern'd.

' But this is seldom or never the Case: These Misusages or Neglects are generally with regard to some little Informalities or irregular Proceedings, of no Consequence either to the Crown or the Corporation, and would never be prosecuted by Ministers, if they had nothing else in View beside the Interest of the Crown; but when they are prosecuted, they subject the Corporation to the Forfeiture of their Charter, which puts them to the Expence of obtaining a new one; or they subject the Officer to a Forfeiture of his Office, and perhaps a Penalty, or at least Costs of Suit, if Judgment goes against him: This Danger, which almost  
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all Corporations, and Officers of Corporations, are, more or less, exposed to, and which may now be kept hanging over the Head of an Officer during his whole Life, if he continues so long in his Office, our Ministers have lately begun to make a Handle of, for influencing Corporations in the Election of their Representatives in Parliament ; and as this is of the most dangerous Consequence to our Constitution, it is incumbent upon your Lordships to contrive and pass some new Law for preventing it. Whether this Bill, as it now stands, will be effectual for the Purpose, I shall not determine ; but if it is not, it can be no Argument against committing it, because in the Committee it may be render'd effectual.

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‘ The threatening of Corporations with *Quo Warranto's*, in order to influence their Elections, is a Practice, my Lords, that has been set on Foot by wicked Ministers long before this Time ; and a Case that was before us this very Session may shew, how difficult it is for a Corporation to guard against a Forfeiture of its Charter. The Report of the Secret Committee will shew us, how a *Quo Warranto* came to be spirited up against that Corporation ; and your Lordships Judgment, as well as the Opinion of the Judges, will shew, that a Corporation may lose its Charter, not only by a Misuser, but by a Misinterpretation of the Words of their Charter. A Misinterpretation I must now call it, since your Lordships have decreed it to be so ; but I must still think, that your Lordships in that Case shew'd a little too much Deference to the Opinion of the Judges. For my own Part, when I recollect the Behaviour of our Judges, and the Opinions they gave, in *Richard* the II'd's Time, in *Charles* the I'st's Time, and in *James* the II'd's Time, I shall never think their Opinion of any great Weight, when it happens to be in favour of the Crown, or of those that recommend them to their Seats upon the Bench. The Meaning put by that Corporation upon the Words of their Charter, was first put by those that were concerned in obtaining the Charter, who were certainly the best Judges of what was intended to be meant by the Words of it ; for it is very certain that the Business of drawing up a Charter is always committed chiefly to those that apply for it : They, with the Assistance of their own Council, are always the first Draughts-Men, and the King's Council only peruse it, to see that there is nothing in it that may be prejudicial to the Crown ; from whence it must be presumed, that they were the best Judges of what was intended to be meant by the Words they had inserted ; and the Meaning they put upon

An. 16. Geo. II. upon them was, in my Opinion, agreeable to common Sense  
 1742. and common Reason. That Meaning was held to be right  
 for near 130 Years ; but at last was contested by those who  
 were resolv'd at any rate to overturn that Corporation's  
 Charter, because at the last Election they refused to betray  
 the Liberties of their Country, by chusing such Representatives  
 as were recommended to them by the Court ; and now,  
 by the Opinion of the Judges, confirmed by your Lordships,  
 that Meaning has been declared to be wrong, and a Mean-  
 ing put upon those Words, which by Accident may make  
 near as many Aldermen as there are Burgeesses in that Bo-  
 rough. I shall always be ready, my Lords, to submit to  
 the Authority of this august Assembly ; but even your Lord-  
 ships Authority cannot make me think that to be wrong,  
 which in common Sense and common Reason, I am persuad-  
 ed to be right.

' I hope your Lordships will pardon my enlarging upon  
 this famous Case so lately decided ; for I could not omit  
 mentioning it, because upon the Supposition that your Lord-  
 ships were right in the Judgment you gave, which I must  
 now suppose, it is a manifest Proof, that Corporations may  
 be innocently led into a Forfeiture of their Charter ; and  
 therefore it is neither just nor safe to leave them always ex-  
 posed to the Prosecutions of Ministers upon any such Ac-  
 count. If the Bill is not properly calculated for obviating  
 all the Difficulties and Dangers that may be apprehended, I  
 hope, we shall, in the Committee, have the Assistance of the  
 learned Lord upon the Wool-sack, towards making it a com-  
 plete and useful Bill : I hope we shall have the Assistance of  
 some other Lords, who, by their former Conduct, have shewn  
 themselves no Enemies to Restraints upon the Prerogatives  
 of the Crown, when Experience makes them appear to be  
 necessary ; and have even seemed to think, that some Re-  
 straint were become necessary in the Case now under our  
 Consideration. By this Assistance, I hope, we shall be able  
 to perfect the Bill in the Committee, and therefore I shall  
 be for agreeing to the Motion.'

Then the Earl of *Bath* spoke to the following Purport :

*My Lords,*

Earl of Bath.

' I had at first no Thoughts of giving your Lordships any  
 Trouble in this Debate, because the Bill is so very imperfect,  
 that I did not think the Question would stand a Debate ;  
 but as I now find myself called on, I hope your Lordships  
 will excuse my taking up a little of your Time, in order to  
 shew, that this Bill is quite different from any Thing I ever  
 thought

thought of or proposed upon this Head, and that it will no Way answer the End for which it is said to be intended. I never thought, my Lords, that the Power the Crown has of prosecuting Corporations, when they are guilty of great and notorious Usurpations, or Misusers of their Charter, should either be taken away or limited to any Time; for if the Power of Prosecution were taken away from the Crown, those who have once got the Magistracy or Power of a Corporation into their Hands, might be guilty of very great Oppressions, and if the Power of prosecuting were to be limited to any Time, many Usurpations might thereby be established, which would in the End become very oppressive. Usurpations, my Lords, are often made and continued for a long Time, before any of the King's Officers can hear of them: When these Usurpations are first made, and generally for some Years afterwards, Care is taken to make a very gentle Use of them, which prevents any Complaint; and till the People of the Corporation begin to complain, none of the King's Officers or Servants can ever hear of the Usurpation; so that if the Time for prosecuting were limited, the most dangerous Usurpation, by a little Care and gentle Usage at the Beginning, might be never heard of till the Time were expired for prosecuting, and then I do not see how it could be removed. This might occasion the Ruin of many of our Cities and Corporations, for it is not to be supposed, that a Corporation can thrive where the Magistrates are invested with great and oppressive Powers, because one or other of them will every now and then be making Use of the Power he has got into his Hands, to the Oppression, perhaps Ruin, of some of the Members.

As I always foresaw, my Lords, that this would be the Consequence of taking from the Crown, or limiting to any Time, its Power of prosecuting Corporations, or the Officers of Corporations, for great or dangerous Usurpations or Misusers, I could never think of, much less propose a Bill for such a Purpose. What I thought of was a Bill for preventing Corporations suffering by mere Oversights, or a Neglect of some little Formalities required by Charter or Custom, which are in themselves of no Consequence. Such, many of our Corporations are subjected to, and may suffer by a Non-observance of. Nay, many of our Manors or Land Estates, are subjected by their Tenure to Ceremonies in themselves ridiculous. I myself knew a Gentleman that holds his Estate by this Tenure: As our Kings of old had often used to make a Progress thro' several Parts of the Kingdom,

Ans. 16. Geo. II. Kingdom, this Gentleman is by his Tenure obliged to be  
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at such a Corner of his Estate every Time the King passes by, and to have under each Arm a white Capon. This of itself is a little ridiculous ; but there is something still more so ; What is he to do with those Capons ? He is not to present them to his Majesty : There would be some Sense in this, because in ancient Times the King might, perhaps, have wanted a Dinner ; but after he has shewn his Capons, he is to carry them back again, and dispose of them at his own Pleasure.

‘ There are many of our Corporations, I believe, which are subject to, and may suffer by the Neglect of Formalities equally ridiculous with this, or at least, such as are in themselves of no Consequence whether they be observed or no ; and against this I should be glad to see our Cities and Boroughs guarded by a proper Law, but surely it will not be said, that the Bill now before us is proper for this Purpose. My Lords, it is far from being proper even for the Purpose for which it is said to be intended, which is, to put it out of the Power of Ministers to keep a Prosecution hanging over a Corporation, or over the Head of any Officer of a Corporation, in order to influence the Election of their Representatives in Parliament. Will the Bill be effectual for this Purpose ? Not at all, my Lords. As to the Corporation itself, there is no Time proposed to be limited for bringing a Prosecution against it on Account of any Forfeiture incurred ; so that a Minister might still, notwithstanding this Bill's being pass'd into a Law, keep a Prosecution hanging over a Corporation, and consequently over the Head of every Magistrate and Officer belonging to it, as long as he pleased ; and if the Corporation itself should, by the Judgment of a Court, be dissolved, I hope it will not be said, that any Magistrate or Officer belonging to it, could be continued in the Exercise of his Office. Then as to the Magistrates and Officers themselves, if this Bill were passed into a Law, they could not, indeed, be prosecuted or removed, unless prosecuted within the Time limited ; and as to those Magistrates and Officers that are in for Life, this might have some Effect : But let us consider, my Lords, that most of the Magistrates and Officers of Corporations are chosen annually, and consequently a Minister might allow an irregular Election to go on for a great Number of Years, and yet bring a Prosecution upon that very Account against the first Officer or Magistrate that should prove refractory to his Commands at an Election. In like manner, a Minister might allow an Officer to be annually chosen, notwithstanding

standing some Disability or Want of Qualification in that Officer ; and yet, whenever he pleased, he might bring a Prosecution against him ; because such Prosecution might always be brought within the Time limited after his last Election.

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‘ These few Remarks, my Lords, will shew, that the Bill, in its present Form, will be very far from being effectual, even for the End it is said to be intended for ; and they will likewise, I think, shew, that it will be very difficult to draw up a Bill sufficient for putting it out of the Power of a Minister to gain an Influence over the Elections of our Cities and Boroughs, by threatening them with Prosecutions, without taking away from the Crown the Power of prosecuting a Corporation, or Officer of a Corporation, for any Misfeaser, Neglect, Disability, or Usurpation whatsoever ; and this I am persuaded your Lordships do not intend ; for it would be setting up *Imperium in Imperio*, which would certainly breed Confusion. Thus your Lordships must see, that this Bill is very different from any Bill I ever thought of, and that the contriving and right modelling a Bill sufficient for obviating the Evil complained of, without exposing the Nation to a new and more dangerous Evil, is a Task too difficult for us to think of accomplishing it in a Committee upon this Bill. Such a Bill must be drawn up at great Leisure, and with the most mature Deliberation ; and even after that, I should be for having it printed and dispersed, that People without Doors might have an Opportunity to consider it before your Lordships gave yourselves the Trouble of going into a Committee upon it.

‘ And now, my Lords, I shall conclude with declaring, that I shall never be ashamed, but on the contrary always ready, to alter my Opinion, when I find good Reasons for doing so. *Humanum est errare* ; and it is the Part of a candid and honest Man to acknowledge it, when he finds he has been in an Error : Nothing but Pride can prevent his acknowledging it ; and a Man must have a very bad Heart, if he continues to act upon an erroneous Principle, after he is convinced of its being so. But, in the present Case, from what I have said, I hope it will appear, that without being suspected of having alter’d my Opinion, or of acting contrary to my Opinion, I may freely give my Negative to the committing of this Bill.’

Then the Earl of *Chesterfield* spoke as follows :

*My Lords,*

‘ As I am sensible of the Danger to which our Constitu- Earl of Chester-  
tion field.



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tion lies exposed, by the Influence which Ministers may acquire over our Cities and Boroughs, I thought that some such Bill as this was absolutely necessary for securing our Constitution against that Danger; and, I am sure, nothing I have heard in this Debate can give me the least Cause to alter my Opinion; for most of the Arguments made use of even by some Lords who seem to be against the Question, appear to me to be strong Arguments for referring the Bill to a Committee. The Necessity of some such Bill as this, has been acknowledged by every Lord who has spoke in the Debate: The Bill has been acknowledged to be fundamentally right. Are not these, my Lords, as strong Arguments as can be made use of for our going into a Committee upon it? In that Committee you may alter every Clause of it. And all this you may do with the more Freedom, because the Bill takes its Rise in this House, and after it has passed here, must go through all the Forms of the other House, where it will probably meet with some Amendments, and will consequently come again under your Lordships Consideration, before it can be passed into a Law.

‘ I shall not say, my Lords, that we have now any Minister who is resolved to fix the Chains of Slavery upon his Country. I shall not say, that any of your Lordships have such a Design, or that any of you would be subservient to a Minister in the Prosecution of such a one. But, suppose I were a Minister, and was resolved to overturn the Liberties of my Country, by getting into my Hands the absolute Direction of our Cities and Boroughs, with regard to their Elections, would not I oppose such a Bill as this? I certainly would; but bad Politician as I am, I would not be so very weak as to oppose it directly. No, I would ingenuously acknowledge the Danger: I would acknowledge the Necessity of doing something to prevent it: I would mourn over the dangerous State of publick Liberty; but then I would take great Care to raise as many Objections as I could to every Regulation proposed for its Defence: I would exaggerate every Difficulty and Inconvenience we might be exposed to by such a Regulation; and if no real Dangers of this Kind could be suggested, imaginary ones would supply their Place. This, my Lords, has always been, and will always be the Method taken by those who have Designs against our Liberties, in order to obstruct such Regulations as might defeat their Designs; and tho’ none of your Lordships have, I hope, any such Designs, yet, from the Conduct of some Lords upon this Occasion, I am afraid, lest the Public should

should begin to entertain some unjust Suspicions against his Majesty's Government. An. 16. Geo. II.  
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‘ It has been suggested, my Lords, as the chief Objection to this Bill, that if we make the Term for the Limitation of Prosecutions too long, the Bill will be of no Use, and if we make it too short, it may be attended with very dangerous Consequences ; but why too long or too short ? Is there no Medium ? Surely there is ; and that Medium, I hope, may be hit on in the Committee, where alone it can come under our Consideration.

‘ The Usurpations with which the noble Lord who spoke last endeavoured to frighten us, can never be established by this Bill, or by any Consequence that can arise from it. An unqualified Magistrate may be chosen, or a Magistrate may be irregularly chosen, and by the Eapse of the Term to be prescribed by this Bill, may be confirmed and established in his Magistracy ; but this does not confirm or establish him in any oppressive Power he may usurp. If in the Exercise of such a Power he should oppress, we may depend on it, that a Prosecution would be very soon brought against him by those that found themselves oppressed : But suppose it should not, this Bill does not say, that an unlawful or oppressive Act of a Magistrate or Officer shall not be questioned or avoided ; it only says, that the Acts of an Officer irregularly chosen or admitted, shall not be questioned or avoided, unless prosecuted within such a Time ; so that no Usurpation, nor any Act done in consequence of an usurped Power (I mean such a Power as would not have belonged to him, supposing he had been regularly chosen) can by this Bill be established, nor is the Time for prosecuting such Acts of Oppression to be limited.

‘ If the noble Lord will consider this Bill with a little more Attention, he will find it to be just such a Bill as he wishes for, according to his own Description. It is calculated merely for preventing Corporations from suffering by the Neglect or Non-observance of insignificant Formalities, and not for preventing, or limiting the Time for their being prosecuted for great Crimes or dangerous Misusers of their Charter ; because for such Transgressions a Prosecution may, notwithstanding any Thing contained in this Bill, be still brought at any Time against the Corporation itself, and a Forfeiture of their Charter may, perhaps, be the Consequence.

‘ The Prosecutions that are to be limited by this Bill, are those in which a Forfeiture of the Charter is no Part, but a Consequence of the Judgment. When a Magistrate or Offi-

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cer has been irregularly chosen or admitted : When some insignificant Formality prescribed by the Charter has not been duly observed, or when the Words of the Charter have been mistaken, tho' that Mistake may have been continued and repeated for many Years ; yet, as the Law now stands, a Minister may, whenever he will, cause a *Quo Warranto*, or an Information in the Nature of a *Quo Warranto*, to be brought against that Magistrate, or those Magistrates, and by the Judgment of the Court, after their having been put to a great Trouble and Expence, they may probably be not only ousted from their Office, but subjected to a Fine or Penalty. The Forfeiture of the Corporation's Charter is no Part of the Judgment, but it is a Consequence ; for the Corporation cannot then proceed to a new Election of Magistrates in the Terms, or upon the Authority of their old Charter, and must therefore have a new one, which the Crown may, if it pleases, refuse to grant. Such Prosecutions as these, the Magistrates and Officers of our Corporations often become liable to, and it is with respect to these only that some Sort of Provision is to be made by this Bill. If such Prosecutions as these had been entirely abolished, I do not think it could have been attended with any bad Consequences to the Publick ; but I now see it would have been violently opposed. This the noble Lord who brought in the Bill foresaw, and therefore he drew it up in such modest Terms, that I am surpris'd to see it meet with Opposition, especially from those Lords who, at the same Time, declare their being for guarding our Cities and Boroughs against the Danger of suffering by the Neglect of insignificant Formalities.

' As to the Difference observed by the noble Lord who spoke last, between Magistrates or Officers for Life, and those that are chosen annually, I shall grant, that it ought to be attended to, and provided for, by some different Regulation in the Bill, as to the Time in which the Prosecution is to be brought ; but nothing is more easy than to do this in the Committee ; and, indeed, it is there only we can properly take this Difference into Consideration. For this Reason I shall not now propose any Time for prosecuting either the one or the other ; but different Times ought certainly to be limited : We may admit of a pretty long Time for prosecuting those Officers that are chosen or admitted for Life, whereas the Time for prosecuting Magistrates or Officers chosen annually, ought, in my Opinion, to be confined to a very few Weeks after their Election ; and when we come into the Committee, we may, I think, very easily con-

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contrive and add a Clause for preventing the Corporation's being, by the Judgment, brought under the Necessity of having a new Charter, or any new Authority from the Crown, for supplying the Place of the Magistrate so ousted from his Office ; and we may add a few Words for preventing such a Magistrate's being made liable to any Fine, when the Irregularity appears to proceed from a mere Neglect or Mistake in the Manner of his Election or Admission.

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' This, my Lords, would prevent any Corporation, or Officer of a Corporation's being expos'd to suffer greatly by a Neglect, or Non-observance of some of the Formalities prescribed by its Charter ; and as very few of our Corporations become liable to Prosecutions upon any other Account, this would be sufficient for putting an End to that ministerial Influence over our Cities and Boroughs, which we have at present so much Reason to dread the Consequences of. It is therefore evident, that in the Committee we may, with great Ease, make this such a Bill as will answer the End proposed ; and consequently, if this Bill be rejected, without so much as trying what we can do in a Committee, it will be concluded by the People without Doors, that a Majority of this House is against passing any Bill for securing our Constitution against that Danger, which a late famous Report has made manifest to the whole Nation, and which has been acknowledged by every Lord that has spoke in this Debate.

' A noble Lord was pleased to call our Corporations the Creatures of the Crown. Too many of them, my Lords, are so : I am for making them less so, and am therefore for having this Bill pass'd into a Law ; for whatever bad Consequences it may be attended with, I am sure they cannot be so bad as the Consequences of our neglecting or delaying to make any Regulation for guarding against, or removing the Danger to which we are at present exposed. Many of our Boroughs are now so much the Creatures of the Crown, that they are generally called Court Boroughs ; and very properly they are called so ; for our Ministers, for the Time being, have always the Nomination of their Representatives, and make such an arbitrary Use of it, that they often order them to chuse Gentlemen they never saw, nor heard of, perhaps, till they saw his Name on the Minister's Order for chusing him as their Representative. This Order they always punctually obey, and would, I believe, obey it, were the Person named in it the Minister's Footman, then actually wearing his Livery ; for they have, we know, chosen Men who had but lately thrown the Livery off their Backs, but never could throw it off of their Minds.

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‘ It has been said, my Lords, that no Attempts have been lately made upon the Freedom of our Corporations : ’Tis true, no such violent Attempts have been lately made as were made in former Reigns ; but even lately, and but very lately too, the Freedom of our Corporations has been nibbled at, and that Nibbling has been made so manifest by the Report I have mentioned, that I am surpris’d to hear the contrary asserted by any Lord in this House. I must suppose that such Lords have never read that Report, and must therefore recommend to their serious Perusal ; for they will there see, not only that Corporations have been prosecuted : the Expence of the Crown, for the Neglect of insignificant Formalities, but that the Cause of the Prosecution’s being brought, was expressly their refusing to chuse such Representatives as the Minister directed.

‘ Was not this an Attempt against the Freedom of our Corporations ? My Lords, it was an Attempt not only against the Freedom of that Corporation, but against the Freedom of all our Corporations ; because the Magistrates of every Corporation in the Kingdom will, from thence, see the Consequence of their being disobedient to the Commands of a Minister ; and this Example must necessarily have a most fatal Effect, if we do not, by some new Law, remove or lessen the Dread of being expos’d to the same Consequence. But suppose we had no such manifest Proof ; suppose no such terrifying Example had lately been made, from the very Nature of the Thing we must be convinced, that such Attempts may be made. They have been made by all Ministers in Time past ; they will be made by all Ministers in Time to come. It is natural for a Minister to wish to have his Friend chosen to represent any City or Borough, rather than one he suspects to be his Enemy : It is natural for him to make use of every Method he can safely practise in favour of his Friend’s Election : Whilst a Corporation, or the Magistrates of a Corporation, are under Apprehensions of being prosecuted, it is natural for them to be sway’d by those Fears. There is no Way of preventing this Practice but by freeing our Corporations from every such Apprehension ; and as this will, in a great Measure, be the Effect of the Bill now before us, after it has been properly amended in the Committee, I hope your Lordships will agree to the Question.

Earl of Ilay.

The Earl of Ilay then stood up, and spoke as follows :

*My Lords,*

‘ Whether or no the Bill now before us be fundamentally right,

right, seems to me to be a Question of very little Importance in the present Debate. The Bill may be fundamentally right, and yet the Superstructure may be such a one as ought not to be supported, and such a one as cannot be amended. After a Bill is read the second Time in this House, we are then to consider whether it be such a Bill as, with the Amendments usually made in a Committee, may be proper to be pass'd into a Law : If it appears to be such a Bill as cannot be fully amended in the Committee, without altering its Nature, and making it in a great Measure a new Bill, we ought not to send it to a Committee, because every Bill, by our Forms of Proceeding, ought to be twice read and consider'd in the House before its being committed ; which, I am sure, can never be said of a Bill so moulded in the Committee as to make it quite a new one. If what has been said by the noble Lord who spoke last should be admitted, no Bill could ever be thrown out upon the second Reading ; for if we were to allow ourselves the Liberty of altering, amending, and adding whatever we pleas'd in the Committee, what Pretence could we have for throwing out any Bill upon the second Reading ? We could then have no Reason for throwing it out, but that which ought to have made us throw it out upon the first ; I mean, that of its being unworthy of the least Countenance from this House.

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For this Reason, my Lords, if I understand any thing of the Forms of this House, it has always been a Rule not to commit any Bill, if upon the second Reading it appears, that such Alterations and Additions must be made as will entirely alter the Nature of the Bill ; and our strict Observance of this Rule, is, in my Opinion, absolutely necessary, not only to prevent our being ourselves surpris'd into any dangerous or hurtful Regulation, but also to prevent any Surprise upon People without Doors. When a Bill is regularly brought into this House, and read a first Time, the People without Doors hear of it, and if any one thinks himself concern'd he gets a Copy of it. Upon Perusal, if he thinks he may be injur'd by any Clause in the Bill, he petitions to be heard against it, and your Lordships generally order the Petitioners to be heard upon the second Reading ; but if new Clauses should be added in the Committee, and such as have little or no Relation to the Bill, I should be glad to know how any Person without Doors could have an Opportunity of petitioning, or of shewing that such Clauses would be very injurious to him, without being any way beneficial to the Publick. Nay, many of your Lordships might be surpris'd, and might see Clauses pass'd into a Law, which you

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had never heard of till they appear'd in Print ; consequently this Method of Proceeding would be of more dangerous Consequence to our Liberties, which have been made such a Handle of in this Debate, than any Thing that can ensue from our not passing this Bill.

‘ The proper Question now before us, is not, therefore, whether any such Bill as this be necessary, or whether the Bill now before us be fundamentally right, but whether we can amend or alter it in the Committee, so as to make it a Bill fit for being pass’d into a Law, without breaking thro’ a Rule in our Method of Proceeding, which has been most constantly observ’d, and which, I think, we ought never to depart from, unless it be in a Case of immediate and great Danger, which is far from being the Case with regard to this Bill. This, my Lords, is the proper Question now before us, and this must, in my Opinion, be answer’d in the Negative, even by the noble Lord who spoke last ; for the Clauses he has propos’d to be added in the Committee, and which must be added, if it be intended to make the Bill sufficient for preventing the Danger suggest’d, are such as would entirely alter the Nature of the Bill, and consequently such as cannot be added in the Committee, consistently with the Rule I have mention’d.

‘ I hope your Lordships will consider, that as the Gentlemen of the other House are more particularly the Guardians of the Liberties of the People, so your Lordships are more particularly the Guardians of the Prerogatives of the Crown ; and as this Bill is certainly an Abridgment of the Prerogatives of the Crown, it would have been more proper to have had it take its Rise in the other House. However, since it has been brought in here, I hope you will give the Crown all the Indulgence which a private Man ought to have, with regard to any Bill he thinks may affect any Property or Privilege he is possess’d of. The Crown is not, I know, to appear by Petition or Message against any Bill depending in this House, because the King may refuse his Assent, and thereby prevent the Bill’s being pass’d into a Law ; but when those who have the Honour to serve the Crown find a Bill brought into this House, which, they think, the King ought not to give his Assent to, it is certainly their Duty to oppose the Bill in its Progress, and to endeavour to have it rejected by the House, in order to prevent their Sovereign’s being subjected to the invidious Task of refusing it the Royal Assent. This is their Duty, and therefore in Justice to the Crown, or to those who serve the Crown, we ought to give them as much Time as a private Man ought to have, to consider how the Crown may be affected by the Bill.

‘ Would

‘ Would this, my Lords, be the Case, if we were to add such Clauses in the Committee as have been hinted in this Debate ? The Bill, even according to its present Plan, will very much abridge the Prerogatives of the Crown. That Abridgment the Crown may be advis’d to consent to, for the Sake of quieting those Jealousies that have been industriously raised among the People ; but if you are to abridge those Prerogatives further, which seems to be intended by some Lords who have spoke in this Debate, it ought certainly to be done by a new Bill, that the Crown may have at least the usual Time to consider, whether it be proper to consent to that further Abridgment. Therefore, if it be necessary to add any new Clauses, or to make any Amendments, by which the Power of the Crown is to be further limited than was at first propos’d, you cannot in Justice do it in the Committee : The only proper Method you can take, is to drop this Bill, in order that a new Bill may be drawn up, and brought in, either this Session or the Beginning of the next ; and when I see such a Bill, I shall then consider, whether I ought to agree to it or not.

An. 16. Geo. II.  
1742.

‘ But, my Lords, as the Necessity of our having some such Bill pass’d into a Law, has been very much urg’d in this Debate ; as this Necessity has been said to have been acknowledg’d by every Lord who has spoke in the Debate, I must take this Opportunity to declare, that I am very far from being convinc’d of our being under any such Necessity. I do not think, the Crown has as yet such an Influence over our Cities and Boroughs as can be of any dangerous Consequence to our Constitution ; nor do I think that a Minister can with any Safety endeavour to acquire such an Influence. A Minister may have a personal or a Family Interest in two or three Boroughs : He cannot by himself alone represent them all ; and to the Borough where he does not stand himself, it is very natural for him to recommend a Friend. That Friend may, perhaps be a Gentleman never before known in the Borough ; But this is not peculiar to Ministers, for we often find such Gentlemen chosen by Boroughs upon the Recommendation of those who are known to be violent Enemies to the Minister. I therefore do not well know what is meant by Court-Boroughs. All Boroughs are so, I believe, and all Cities and Counties as well as Boroughs : The only Difference is, that some Boroughs have their Friends in Court, and others want to have their Friends in Court. This, my Lords, has always been the chief Ground of the Dispute ; and most People are apt to think, or at least they pretend to say, the Country is in Danger,



An. 16. Geo. II. when their Friends happen to be out of Court. The Cry of the Church being in Danger was formerly made the same Use of; and when I was young and attended this House behind the Throne, I remember to have heard it observ'd, as I thought very justly, by the Ancestor of a noble Lord I have in my Eye, that the only Reason he could think of for saying that the Church was in Danger, was because the Earl of *Rochester* was out of Court.

1742.

' If a Borough, therefore, chuses a Courtier, it is not because it is more a Court-Borough than any other Borough, but because its Friends happen at that Time to be in Court; in like Manner, when a Borough chuses such as are against the Court, it is not because it is more a Country-Borough than any other, but because its Friends happen then to be out of Court; and the Choice made by the former may as little proceed from any undue Influence as the Choice made by the latter. But every Borough that chuses a Courtier or a Friend to the Minister, must, it seems be a Creature of the Crown, in the Sense put upon the Words by the noble Lord who spoke last, in which I must say, he made a very bad Use to call it by no worse a Name, of an Expression that had dropt from a noble Lord in this Debate. The noble Lord happen'd to say, that all Corporations were the Creatures of the Crown, and when he made Use of the Expression, I believe every one of your Lordships understood what he meant: He certainly meant no more than that all Corporations were created by the Crown, which is true; but the noble Lord who spoke last gave it a Turn, as if he had meant, that all Corporations are the Slaves of the Crown, and ready to receive Directions from the Ministers of the Crown, which is as far from being true as it is far from being what he meant; for, with regard to the Election of their Representatives, I know of no Way by which a Minister can compel any one of them to chuse the Candidates he recommends: I am sure, that of threatening a Borough with a *Quo Warranto* would be very far from being effectual, and it would be very dangerous for any Minister to make Use of such a Method; consequently I cannot as yet see the Necessity of our passing any such Bill as the present, and if he did, I should be for dropping this Bill, which, I think, cannot be so amended as to be of any Use, in order to have a Bill brought in that might be of some Service.

' But whatever some noble Lords may say about providing for the Security of our Constitution against every possible Danger, it has never been the Custom in this Country to introduce new Regulations, or to make Alterations in that

that Form of Government under which our Ancestors lived happily, and transmitted their Liberties safe to us : I say it has never been the Custom, but when some Evil has been really felt, or some Attack actually made ; and, I hope, this Custom will be always observed ; for if we should resolve to provide against every Evil, we could never be a Session without making some material Alteration in our Form of Government. What the noble Lord meant by nibbling at the Freedom of our Corporations, I do not know ; but it does not appear to me, that any real Attack has been lately made upon their Freedom by our Ministers. When the Members of a Corporation fall out among themselves, as they often do about their Elections, the unsuccessful Candidates will, very probably, bring Informations in the Nature of a *Quo Warranto* against the Magistrates chosen, if they think there is any Flaw in their Election or Admission ; and if these Informers employ any of the Crown Lawyers, a Minister cannot help it ; for he cannot prevent those Lawyers undertaking the Business of private Men in Cases where the Crown has no Concern. This cannot therefore be construed as an Attack upon the Freedom of our Corporations, and this is all that has been pretended to be proved ; for there is not the least Proof, that ever any Minister gave Orders for the Prosecution, or supported it either at his own or the publick Expence, and much less that he did so, in order to punish any Coporation for refusing to obey his Orders, with regard to the Election of its Representatives in Parliament. I cannot therefore suppose, that any Attack has been lately made upon the Freedom of our Corporations ; and if any Lord thinks there has, why does not he move for a Day to enquire into it, in order to have the Guilty punished, which would be as effectual against the Practice in Time to come as any Law you can make ?

An. 16. Geo. II.  
1742.

Then the Question being put, that the said Bill be committed ; it was resolved in the Negative. Contents 24. Not Contents 63.

The Bill for farther quieting Corporations rejected.

And it was ordered to be rejected.

It was also ordered, That the Lords present this Day be appointed a Committee to consider of proper Heads for a Bill for the further quieting and establishing Corporations.

March 14. The Lords read a third Time and pass'd the Several Bills Annuity and Lottery Bill. Read a second Time and committed the Bill to empower Justices of the Peace to act in certain Cases relating to Parish Affairs. Also a Bill to restore the

An. 16. Geo. II. the Duke of *Buccleugh* to the Honours and Titles of Earl of *Doncaster* and Baron *Scot of Tindal*, and ordered it to be ingross'd. Read a first Time the Bill to indemnify Persons who have omitted taking the Oaths.

1742.

*March 16.* The Lords read a third Time, and passed the Bill for restoring the Duke of *Buccleugh* to the Title of Earl of *Doncaster*, and Baron *Scot of Tindal*. In a Grand Committee, went thro' the Bill for Relief of Insolvent Debtors, with Amendments. Read a first Time the Bill for rectifying Mistakes in the Names of the Commissioners of the Land Tax, and for adding other Names thereto. Read a second Time the Bill to indemnify Persons who have omitted to qualify themselves.

*March 17.* The Lords read a third Time, and passed the Bill to empower Justices to act in certain Cases, relating to Parishes and Places to the Rates and Taxes, of which they are rated and chargeable. Read a second Time the Bill for rectifying Mistakes in the Land-Tax Act, and committed the same. Agreed to the Report of the Insolvent Debtors Bill. Deferred going into a Committee on the Bill touching the Elections of Knights of the Shire, to *Wednesday*. Then Lord *Romney* reported from the Committee Heads of a Bill for quieting Corporations, to the following Effect :

Heads of a new  
Bill for quieting  
Corporations.

‘ That a reasonable Period of Time be fixed, after the Expiration of which the Rights, Franchises and Liberties of any City, Corporation, Borough in *England* or *Wales*, or of any Members of any such City, Corporation, &c. or of any Person exercising any such Office or Franchise shall not be called in Question, by Informations in Nature of a *Quo Warranto*, *Writs of Mandamus*, or other Proceedings, for any Informality, Irregularity, or Defect in the Nomination, Election, Admission, or Swearing of the Mayor, Bailiffs, or Freemen, or of any other Officer or Member (by what Name soever called) of any such City, Corporation, &c. who now are, or at any Time hereafter, shall be in the actual Possession or Exercise of any such Office or Franchise, nor of any Forfeiture or Disability arising from any such Informality, Irregularity or Defect, unless such Informality, Irregularity or Defect, or such Forfeiture, or Disability shall be taken Advantage of by some Prosecution commenced for that Purpose within a certain Time after the Commencement of the Bill. and as to any such Officer or Member as hereafter shall be within a certain Number of Years to be limited in the Bill, shall have been admitted into, or shall have been in

‘ the

‘ the actual Possession or Exercise of any such Office or Franchise as aforesaid; every such Prosecution to be carried on with Effect, and due Diligence, and in Case of affected or unnecessary Delay on the Part of the Prosecutor to be dismissed with full Costs. An. 16. Geo. II.,  
1742.

‘ Such Bill to contain proper Proviso’s to prevent its invalidating any Judgment already given, or any Charter already granted and accepted, or any Suit already instituted and still depending.’

This Report being read by the Clerk, it was mov’d, That the Judges be directed to prepare, and bring in a Bill accordingly. Debate on a Motion for an Order to the Judges to bring in a new Bill thereupon.

Hereupon the Earl of *Cholmondeley* stood up, and spoke in Substance as follows :

*My Lords,*

‘ A Bill for the Purposes which are now under our Consideration, a Bill by which all Corporations might be set free from the Influence of Terror, would be of great Advantage to the Kingdom ; but it appears to me from the ill Success of this repeated Attempt, that the Security proposed by it is not to be obtained, but at the Expence of greater Evils, and that we must transfer our Attention to some other Designs which may be practicable, though of less Importance. E. of Cholmondeley.

‘ The Heads which are now offered by the Committee as the Foundation of a Bill, differ, I think, in nothing, or nothing of Importance, from that Bill, which was a few Days ago rejected ; and therefore it will be, in my Opinion, of no Use to form them into another Bill, which as it can differ only in Words from the former, must, after it is drawn up, be rejected in the same Manner.’

Then Lord *Talbot* answered, to the following Effect :

*My Lords,*

‘ As the Usefulness and even the Necessity of a Bill, by which the Consequences of our late Determination may be obviated, by which the Independence of Corporations may be secured, and the Peace of the Nation be established, has been universally allowed, I cannot think that we shall perform our Duty to our Country, or consult our own Honour, by suffering ourselves to be so soon discouraged from so beneficial a Design. Lord Talbot.

‘ That such a Bill, as may promote those great Ends without equivalent Disadvantages is difficult, may be admitted ; but it does not yet appear that it is impossible. And no Obstacles

An. 16. Geo. II.  
1742.

stacles that can be surmounted, ought to hinder us from pursuing so important, so beneficent a Purpose.

‘ Had our Ancestors, my Lords, been discouraged by Difficulties, our Laws had never been advanced to such a Degree of Excellence, nor our Constitution raised so near Perfection.

‘ It is not to be supposed, my Lords, that a Bill of this comprehensive Kind can be perfect in the first Draught, that it will not require innumerable Touches, Amendments and provisional Clauses: But though the Undertaking is undoubtedly laborious, it is not unsurmountable, and therefore the publick Good ought to animate us against the Fatigue of it. Let every Lord attend to the Affair with Diligence and Sincerity, and offer what shall occur to him, and the Bill will in Time be completed.

‘ Even the Heads now before us afford, in my Opinion Materials for a Bill, which, though not perfect, may yet be beneficial. For surely any Thing is rather to be chosen than Servitude and Dependence; and what can be expected from the Corporations of this Kingdom, but a blind Submission to the Agents of ministerial Corruption, when they find themselves in Danger of forfeiting their Privileges by Inadvertency or by Ignorance; when they know that Snares are thrown in their Way, which they cannot avoid but by taking the Minister for their Guide, and that they can only be safe from Prosecutions within the Shelter of the Court.

‘ It is at least, my Lords, to the last Degree ignominious to desist from a Design, upon the Supposition of Difficulties, which perhaps may not be found; and therefore we ought at least to direct that the Judges, of whose Experience and Sagacity so much has lately been said, should prepare a Bill which it will be only proper to reject, when we find that it cannot be amended.’

Which also passes in the Negative.

The Question being put thereupon, it was resolved in the Negative. Content 23. Not Content 34.

*March 21.* The Earl of *Strafford* took his Seat in the House.

*March 23.* The Duke of *Buccleugh* took the Oaths and his Seat in the House of Peers as Earl of *Doncaster*.

*March 25.* The Lords passed the Bill for rectifying Mistakes in the Names of the Commissioners of the Land-Tax. Also a Bill for allowing a further Time for the Inrolment of Deeds and Writs made by Papists.

*March*

*March 30.* Read a second Time a Bill to continue an Act of the 5th of King *George II.* to prevent the committing of Frauds by Bankrupts, and reported it without Amendment. An. 16. Geo. II.  
1742.

*March 31.* The Lords read a second Time the Sinking-Fund Bill; also a Bill for allowing Carts to be drawn with four Horses; also the Bill for continuing several Laws. Several Bills  
pafs'd.  
Pafs'd the Vagabond Bill, with Amendments.

*April 2.* Dr. *Herring*, Bishop of *Bangor*, and Dean of *Rochester*, kifs'd the King's Hand, upon his being appointed Archbishop of *York*, and Primate of *England*, in the Room of Dr. *Lancelot Blackburn*, deceas'd. His Lordship was succeeded in the See of *Bangor* by Dr. *Hutton*, one of his Majesty's Chaplains, and Prebendary of *Westminster*. Preferments.

*April 12.* The Lords read a third Time and pafs'd the Bill to continue an Act of the 5th of King *George II.* to prevent the committing of Frauds by Bankrupts.

*April 13.* The Lords read a third Time, and pafs'd the Bill for raising One Million out of the Sinking Fund. Likewise the Bill for continuing several expiring Laws. Also the Bill for allowing Carts to be drawn with four Horses; and Notice was sent thereof to the Commons.

*April 15.* The Lord Viscount *Lymington*, newly created Earl of *Portsmouth*, took the Oaths and his Seat in the House of Peers.

The Lords ordered that the Reasons offered by the Commons at a Conference, relating to the Amendments made to the Vagabond Bill, be consider'd on the *Monday* Se'ennight.

*April 18.* The Lords read a third Time, and passed the Bill to indemnify Persons who have omitted taking the Oaths. Deferred the further Consideration of the Bill touching the Elections of Knights of the Shire for a Fortnight; by which Delay the said Bill was for this Time lost: For on the 21st the King came to the House, and put an End to the Session, with the following Speech:

*My Lords, and Gentlemen,*

“ **T**HE Zeal, Prudence, and Dispatch, with which you have carried on the Publick Business, during the Course of this Session, give me the greatest Satisfaction. King's Speech  
at the Close of  
the Session.  
“ That this Nation, and the Common Cause, may reap the most beneficial Fruits of your vigorous Resolutions, I have, at the Requisition of the Queen of *Hungary*, ordered my Army, in Conjunction with the *Austrian* Troops, to pass the *Rhine*, as Auxiliaries to Her *Hungarian* Majesty, and for Her Support and Assistance, and to oppose  
“ any

An. 16. Geo. II.  
1742.

“ any dangerous Measures, that might affect the Balance and  
“ Liberties of *Europe*, or hinder the Re-establishment of the  
“ Publick Tranquility, upon just and solid Foundations. I  
“ have continued a strong Squadron in the *Mediterranean*,  
“ and another in the *West-Indies*, in order to carry on the  
“ great Work of distressing our Enemies, the *Spaniards*, and  
“ reducing them to safe and honourable Terms of Peace,  
“ as well as of maintaining the Rights of Navigation and  
“ Commerce, belonging to my Subjects: And from the  
“ former of these Squadrons, my Allies in *Italy* have found,  
“ and still continue to receive, a most useful and advanta-  
“ geous Support.

*Gentlemen of the House of Commons,*

“ I return you my Thanks for the ample Supplies, which  
“ you have granted for the Service of the current Year, and  
“ which you may be assured, shall be applied to those great  
“ Ends, for which they were given.

*My Lords, and Gentlemen,*

“ I have a firm Confidence in your good Affections; and  
“ it is the fixed Purpose of my Heart, to promote the true  
“ Interest, and Happiness, of my Kingdoms. In return for  
“ this, I expect, on your Part, that you will exert your  
“ best Endeavours, in your respective Stations to render my  
“ Government easy, and to preserve the Peace and Quiet  
“ of the Nation.”

Then the Lord Chancellor, by his Majesty's Command,  
prorogued the Parliament to the 7th of *June*. And on the  
28th of *April* the King, accompanied by the Duke of *Cum-  
berland*, and divers Persons of Distinction, embark'd for  
*Germany*.

F I N I S.



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